The people of Connecticut are justly proud of their Huskies, who have set an example for us all with their teamwork and their standards of perfection. I know this victory was a team effort; but we are particularly proud of Maria Conlon from Derby, Connecticut, of the third congressional district, and Diana Taurasi, a fellow daughter of Italian immigrants, who was named the Final Four Most Outstanding Player and Consensus National Player of the Year after she scored the third most points in Division I tournament history, the fourth-most ever in the Final Four, and tied for second-most ever in a title game, all with an aching back, one good ankle and a heart whose size is only matched by that of the Huskies' dreams.

These women have shown that given the resources, they are just as talented and exciting to watch as any men's basketball team out there. They are role models for girls and boys alike across this Nation, and we should remember them as we debate title IX and its impact on women in this country.

Mr. Speaker, I congratulate the Huskies on their championship win and their incredible season. They have truly earned this recognition. Go Huskies.

JUST BORN CELEBRATES 50TH ANNIVERSARY OF PEEPS

(Mr. TOOMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOOMEY. Mr. Speaker, I rise to offer congratulations to the confectioners at Just Born, Incorporated, as they celebrate the 50th anniversary of one of their most recognized and celebrated products, not to mention my daughter's favorite, Marshmallow Peeps.

Just Born, with their Peeps, is a great American manufacturing success story. Over a billion Peeps are produced each year by Just Born's 400-plus employees. Their candies are exported to over 30 countries, making them available to over 1.5 billion people worldwide.

Innovation and dedicated employees have really been the source of the success of this company. Just Born was founded in 1923 in New York City by Samuel Born, a Russian immigrant. The company moved to Bethlehem, Pennsylvania, in 1932 and under the leadership of Bob Born, Samuel's son, Just Born acquired a candy company in 1953 which manufactured by hand a small line of 3–D marshmallow products. The innovative Bob Born mechanized the process of making Peeps and dramatically increased the quantity of Peeps manufactured each year. Peeps once took 27 hours to make, they now take 6 minutes.

It is this innovative, entrepreneurial spirit, and great workers that make American manufacturers the best in the world, and Just Born continues to lead the way among confectioners. If we do our part here in Congress to lessen government regulations, to expand trade opportunities and to lower taxes to encourage economic growth, we will see more success stories like Just Born, Inc.

Mr. Speaker, I congratulate Just Born and 3 generations of Lehigh Valley employees for sweetening America.

CONFERENCE REPORT ON S. 151, PROSECUTORIAL REMEDIES AND TOOLS AGAINST THE EXPLOITATION OF CHILDREN TODAY ACT OF 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 188 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 188

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday the Committee on Rules met and granted a ''normal'' conference report rule for S. 151, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, or the PROTECT Act.

The rule waives all points of order against the conference report and against its consideration. Mr. Speaker, this should not be a controversial rule. It is the type of rule that we grant for every conference report that we consider in the House.

The PROTECT Act sends a clear message to those who prey upon children that if they commit these crimes, they will be punished. This legislation provides stronger penalties against kidnapping, ensures lifetime supervision of sexual offenders and kidnappers of children, gives law enforcement the tools it needs to effectively prosecute these crimes, and provides assistance to the community when a child is abducted.

To accomplish this, S. 151 establishes an AMBER Alert coordinator within the Department of Justice to assist States with their AMBER Alert plans. This coordination will eliminate gaps in the network, including gaps in interstate travel, work with States to encourage development of additional AMBER plans, and serve as a nationwide point of contact.

The AMBER program is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child abduction cases. The goal of the AMBER Alert is to instantly galvanize the entire community to assist in the search for, and the safe return of, that child.

I am pleased that this legislation also authorizes $20 million for fiscal year 2004 for the Secretary of Transportation to make grants to States for the development or enhancement of notification or communication systems along the highways. I am sure Members have seen those reader board signs. These signs are for alerts and other information for the recovery of abducted children. Doing this will enable all 50 States to implement this life-saving program, and we have seen several examples of it working lately to literally save children's lives.

For those individuals who would harm a child, we must ensure that punishment is severe and that sexual predators are not allowed to slip through the cracks of the system to harm other children. To this end, this legislation provides a 20-year mandatory minimum sentence of imprisonment for stranger abductions of a child under the age of 18, lifetime supervision for sex offenders and mandatory life imprisonment for second-time offenders; and we all know that is a very common occurrence.

This responds to the long-standing concerns of Federal judges and prosecutors regarding the inadequacy of the existing supervision period for sex offenders, particularly for the perpetrators of child sexual abuse crimes, whose criminal conduct may reflect deep-seated deviant sexual disorders, and they are not likely to disappear within a few years of release from prison.

Furthermore, S. 151 removes any statute of limitation and opportunity for pretrial release for crimes of child abduction and sex offenses. Oftentimes it is years later that sex offenses come to light because a child is afraid to speak out. That is why this conference report is so important. Not only does it come to the aid of the children after the abduction with the AMBER Alert, it aims to prevent the abduction with the provisions I just mentioned.

I also want to applaud the conferees for including legislation authored by the gentleman from Indiana (Mr. PENCE) that would punish those who use misleading domain names to attract children to sexually explicit Internet sites. It accomplishes this goal by increasing the penalties and provides prosecutors with enhanced tools to prosecute those seeking to lure children to porn Web sites. As a mother and grandmother, it is hard for me to understand how anyone can prey on a defenseless child.

Therefore, I urge my colleagues to support the rule and support the underlying bill. It is imperative for our Nation to protect our most valuable resource, our children.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, by passing this conference report today, Congress can finally end the 6 months of political maneuvering that have delayed my legislation to help set up a nationwide network of AMBER Alerts. The AMBER plan was named for a young girl, Amber Hagerman, who was kidnapped and murdered in Arlington, Texas, in my congressional district.

Make no mistake, this conference report is not perfect. It contains some needlessly controversial provisions dealing with our criminal laws. For that reason, some Members will oppose it.

The AMBER Alert Network Act, which I first introduced in the House of Representatives with the gentlewoman from Washington (Ms. DUNN) last year, should have been law long, long ago. It passed the Senate unanimously twice. The President made clear his support for it, and 230 Democrats and Republicans cosponsored it in the House, a clear majority. But for more than 6 months now, House Republican leaders refused to allow the House to vote on this bipartisan bill to protect America's children. And 2 weeks ago, 218 House Republicans ignored a last minute letter from the family of Elizabeth Smart and voted to support their leadership and block consideration of the stand-alone AMBER bill.

Mr. Speaker, it should not have been this hard; but we can now see an end to this matter. We now are about to finally enact this very important legislation.

We know the AMBER Alert system works. Since it was created in north Texas in 1997, it has helped recover 53 abducted children, five of them in the month of March alone. But it does not work where it does not exist. That is why the AMBER Alert Network Act, which this conference report includes, is so important because it will help set up a nationwide network of AMBER Alerts.

Mr. Speaker, this has been a long road, and a lot of dedicated Americans have worked very hard to pass this bill. In the House, the gentleman from Texas (Mr. LAMPSON), the gentleman from New Jersey (Mr. HOLT), the gentleman from Kansas (Mr. MOORE), and the gentleman from Utah (Mr. MATHESON), who represents the family of Elizabeth Smart, have worked very hard. I wanted to thank the Democratic members of the Committee on the Judiciary, especially the ranking member, the gentleman from Michigan (Mr. CONYERS), and the Subcommittee on Crime ranking member, the gentleman from Virginia (Mr. SCOTT), who have been extraordinarily helpful throughout this process. I also thank my friend and colleague, the gentlewoman from Washington (Ms. DUNN), who joined with me to introduce the AMBER bill in the House, and of course Senators KAY BAILEY HUTCHISON, DIANE FEINSTEIN, and HILLARY RODHAM CLINTON have done a marvelous job leading the effort in the Senate.

Outside of the Congress, much credit goes to the National Center for Missing and Exploited Children, to the National Association of Police Organizations, to Marc Klaas and the Polly Klaas Foundation, and to all of the organizations and individuals who worked to expand AMBER Alerts nationwide.

Finally, I want to personally thank Ed Smart, who in an extraordinary statement on the eve of the safe recovery of his daughter, Elizabeth Smart, spoke directly to the American public and this Congress and urged the prompt enactment of the AMBER Alert bill.

Mr. Speaker, this is long overdue. This will save children throughout the United States. I commend this legislation to this House and to the President.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for her leadership on this rule, and I rise in support of the rule for S. 151, which is aimed at combating child exploitation and abuse. As co-chair of the Congressional Missing and Exploited Children's Caucus with the gentleman from Texas (Mr. LAMPSON), I know full well the need for new and increased penalties and the need to expend more resources to enforce current law.

I would like to commend the work of both the gentleman from Wisconsin (Mr. SENSENBRENNER) and the conference committee for bringing this outstanding package to the floor today. With provisions like Two Strikes and You're Out for repeat child sex offenders, penalties for international sex tourism, the doubling of funding for the National Center for Missing and Exploited Children, expanding the relationship between the United States Secret Service and the National Center for Missing and Exploited Children, and of course the AMBER Alert Act, all make this legislation another nail in the coffin of those who prey on the most innocent in our society, our children.

Mr. Speaker, this bill will help bring pedophiles and others who intend to do children harm to justice. I would, however, like to take a moment to express some concern I have about one of the provisions that was put into the final package relating to the Volunteers for Children Act. This law, which the gentleman from Texas (Mr. LAMPSON) and I championed, was designed to provide further protection for our Nation's children by allowing youth-serving nonprofit organizations such as the Boys and Girls Club, the National Council for Youth Sports, and the National Mentoring Group to request national fingerprint background checks in the absence of State laws providing such access.

However, since the Volunteers for Children Act was enacted in 1998, only a very few States have complied with this law.

□ 1045

As a result, for the past year, I have been working towards a permanent solution with the Senate and the chairman to correct this problem once and for all.

Though I applaud both the chairman and the conference committee on recognizing the need to address this long-standing problem, the efforts to correct it leave much to be done. I hope that we can work with the chairman to provide the necessary protection to millions of children participating in both the local and nationwide after-school and volunteer-run programs by giving these groups the access they need to criminal background checks of their volunteers.

We have tried it in Florida. It has been immensely successful. It has been applauded by child advocate groups. It has been applauded by the FDLE, Florida Department of Law Enforcement's head, Tim Moore. We have used it extensively to provide protection for our children and volunteer organizations.

The fingerprint check is the only absolute way we can ensure that those working with our children are, in fact, clean of past histories that would cause them to come into difficult situations with our children.

Again, Mr. Speaker, I do offer my full support for the overall package and encourage my colleagues to vote for this rule and, of course, for the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding me this time.

Mr. Speaker, I think it is well known that in the time that I have spent as a Member of this Congress, I have consistently supported legislation that will enhance the protection of our children. This year, we received an enormous shot in the arm when Elizabeth Smart was returned to her family, and I am reminded of the very potent words of her father in the early hours after her return, pass a straight up-or-down AMBER Alert bill, and that it was the community, including of course his wonderful young daughter, who really helped bring Elizabeth home. It was

the community who began to hear the announcements and various citizens throughout his great State began to call in various information in order to help the police locate Elizabeth.

And so, legislation that this was supposed to be is a good effort. The AMBER Alert, nationalizing it, is a good effort.

It concerns me that there would be those who would undermine or diminish the importance of having a national AMBER Alert by suggesting that it was not enough, that there are many rural and urban communities and States that do not have the system and that this bill will help.

By and large, reluctantly I will ultimately be supporting the final passage of this legislation, but not the rule. I thought, when the conference met that we would reasonably understand that certain aspects this legislation are, in fact, destructive of our civil liberties and civil justice and criminal justice systems.

For example, I abhor pornography. I am reminded of the Supreme Court statement: I will know it when I see it. But there is certainly a question of the first amendment as it relates to virtual pornography, meaning that it is not an actual child; and clearly, under the rights of privacy, although I abhor it, though I hope no one is doing it on their jobs or in places that are inappropriate, virtual pornography is what it is, Mr. Speaker. It is clearly pictures depicted, and not of real and actual children, which would be absolutely intolerable.

Then we go to the next, I believe, offensive provision of this legislation which will cause me to vote against the rule, be it called for in a roll call or verbally, and that is the complete disrespect and insult to Article III, Federal courts, courts that have the oversight and affirmational confirmation process of the United States Senate and nomination by the President of the United States; the recognition that there are three branches of government; the three branches of government are administrative, executive, and legislative.

In this bill designed to ensure that our children can be found, we have taken the liberty of undermining and putting a spear, if the Members will, in the jurisdiction and discretion of our Federal courts, our Federal judges, by in fact requiring a mandatory directive as to what they should do with respect to child sex offense pornography and other sex offenses.

We are not in the courtroom, Mr. Speaker. We are not hearing the testimony.

As I indicated, I abhor violations against children and it is our responsibility to ensure their safety. Parts of this bill will do that. But to intrude upon Article III courts, I would say to my colleagues is dancing on very troubling ground and as we begin to undermine the court's jurisdiction here, the question is, what next, to the Federal courts whose lips are silenced because they are on the Federal bench?

I would encourage my colleagues to discuss this in their judicial conference and begin to assess what this Congress is doing, which is undermining the Federal judiciary.

It is my hope that someone somewhere, Mr. Speaker, will find a way to undo this legislation as it relates to the intrusion upon our Federal courts and the complete imploding of the separation of these powers and the disrespect that is being given to these courts not to allow them to have the discretion to make the appropriate decision for the defendant and the plaintiff and the State that is in the courtroom.

I ask my colleagues to vote against this rule.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in support of the rule. The rule was actually necessitated over a debate about what this bill should include.

Some of the opponents of the rule suggested it should include just the AMBER Alert system, and as they well know, actually the AMBER Alert system has already been instituted by Bush administration. It reminds me of an experience that Adlai Stevenson shared when he was running for President in 1956. At the end of what he thought was a great speech of about 40 or 45 minutes, a woman from the audience came up and said, Mr. Stevenson, I thought your speech was simply superfluous. To which he responded, to test whether she really had a full grasp of the English language, Thank you, Madam; I am thinking of having it published posthumously, to which she replied, Wonderful, the sooner, the better.

Mr. Speaker, I applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) in his effort to make sure that what we are doing today is not superfluous. The AMBER Alert system is wonderful at attempting to retrieve children that are kidnapped and transported over State borders, but it is already in effect.

What we have tried to do in the committee under the leadership of the chairman is to deter and punish people and put them behind bars for a long time, who are actually about to kidnap, abuse, or sexually offend against minors. That is what this bill ultimately did, thanks to the leadership of the gentleman from Wisconsin (Chairman SENSENBRENNER).

One of the provisions that has been added, I have a particular interest in. It has been referred to as the Feeney amendment. This bill with the amendment in it, as it has been modified in conference, addresses a serious problem of downward departures from the Federal Sentencing Guidelines by judges across the country. Although the guidelines continue to state that departures should be rare occurrences, they have actually proven to have been anything but.

The Department of Justice testified before the Subcommittee on Crime, Terrorism and Homeland Security that the rate of downward departures on grounds other than substantial assistance to the government has climbed steadily every year for many years. In fact, the rate of such departures is up by an overwhelming 50 percent in just the last 5 years alone. And by the way, the rate of departures downwards is 33 times higher than the rate the Federal judges depart upwards from the sentencing guidelines.

The Department of Justice believes that much of the damage is traceable to the Supreme Court decision in King v. United States. Actually, that decision has led to an accelerated rate of downward departures by judges.

What this bill now does is to contain a number of provisions designed to ensure a more faithful adherence to the laws of the United States, as passed by this Congress. Specifically, the amendment, as it was adjusted in conference, would put strict limits on departures for child crimes and sex offenders by allowing sentences outside the guideline only upon grounds that are specifically enumerated by the judge. This is important because it limits the judge's discretion, forces the judge to explain what he has done, and provides an opportunity for the prosecutors to appeal if the judge has been completely unfaithful.

There are a number of other reported provisions that are contained in the Feeney amendment. It calls for the Sentencing Commission to review and revise the departures from guidelines for all other cases that do not involve offenses against children, provides for the Department of Justice to have access to existing judge-identifying database maintained by the Commission, and it does also provide there will be a report to Congress every year by the Department of Justice reflecting the reforms of internal appellate review practices for these downward departures.

Finally, it provides that no more than three of the commissioners to the Sentencing Guideline Commission can come from the ranks of the Federal judiciary.

This is a great victory today. It is a great victory for children. It is a great victory for those of us who do not want to just retake possession of children that have been kidnapped or abused, but those of us who want to prevent the abuse and the kidnapping to begin with.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 3 minutes.

I would like to engage my colleague from Florida in a colloquy if he would be so inclined. I ask my colleague his understanding of the modifications that took place in conference, because Members have come to several of us

asking us our understanding; and quite frankly, I am not clear and perhaps he can help us to understand whether or not it, in fact, was modified as it pertains to all sex crimes or was it modified to include just sexually exploited situations as it pertains to children.

Mr. FEENEY. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Florida.

Mr. FEENEY. Mr. Speaker, I am going to say to my good friend in that, in the first place, the primary source rule probably ought to be in effect here. I was not part of the conference committee, and what I have is a review of that.

I do note that the gentleman from Wisconsin (Chairman SENSENBRENNER) is on the floor, paying close attention; so at a minimum, I hope he will correct me for any deficiencies.

As I understand it, with respect to being more restrictive in terms of when Federal judges can depart downward from the guidelines, the original Feeney amendment actually applied to all Federal offenses. With respect to that downward departure restriction that we are doing now, it only applies to offenses against children, sex offenses, kidnapping, abuse, pornography. It does not apply to offenses outside that specific realm.

Mr. HASTINGS of Florida. Mr. Speaker, so the antiquated sexual offenses are not contemplated under the gentleman's amendment as he understands it?

Mr. FEENEY. As I understand what the conference committee report did, it is actually Hatch-Sensenbrenner-Graham, referring to Senator BOB GRAHAM, who is a colleague of ours from Florida. I am sorry, LINDSEY GRAHAM; it is tough when we have got too many Grahams running around.

In fairness to the gentleman, I should suggest that with respect to providing for de novo reviews of downward departures, that will apply to all Federal offenses, and the gentleman will remember the King v. United States case, the Rodney King incident where, for example, the Congressional Black Caucus was very concerned and issued a letter suggesting that we provide this de novo review; so I think we have got the best of both worlds.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my good friend from Florida, and he is my good friend, to take into consideration when we decry downward departures that the people that are on the firing line, the Article III judges, make those departures after very careful consideration.

□ 1100

Having served in that branch of government at one point and being an opponent, as almost universally the Federal judges were, of mandatory sentencing and sentencing guidelines, it is not to be taken lightly.

I agree with the gentleman that the appellate review is more than necessary and reporting regarding same should be important. But please do not take the downward departures to mean that the judges did not see something that we do not have an opportunity, when we make these laws, to clearly understand what the judge in fact saw and heard in the sentencing provision, or even in the trial.

I could cite numerous examples where downward departures have saved families and lives. I would hope my friend would understand that.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the gentlewoman for yielding time to me. I am grateful to the gentlewoman.

In the first place, the honorable gentleman has me at a disadvantage because he has been a member of the other part of our government, and I am respectful of the fact that he has some wisdom and insights that I do not.

I would suggest, however, that what we are doing here is not eliminating the ability of judges to depart from the sentencing guidelines; we are preserving their right and asking them to explain why they did so.

Finally, I would make the point to the gentleman that if the departure ratio was 33 times higher than sentencing guidelines, for every time that there is one below the guidelines, I would suggest to him that we might be hearing from the American Civil Liberties Union, the Criminal Defense Association, and the American Bar Association with a sense of outrage that people with disparate treatment are being abused by having too much sentences imposed on them.

By the way, historically in America there have been suggestions, and I do not have any studies to back it up, that racial and ethnic minorities have been particularly abused along those lines.

I would suggest we have struck a balance here.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would make the comment that the hope would be that we do not chill the Federal judiciary with departure restrictions. I think it would be a mistake on our behalf.

Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Texas (Mr. LAMPSON), a gentleman who has been and continues to be a stalwart in the way of providing for the AMBER Alert, a leader in this regard.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to rise in support of this conference report, and certainly to thank all of the people who have worked on it: the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. FROST), for bringing the legislation; the gentlewoman from Washington (Ms. DUNN) on the AMBER Alert itself; and looking into the overall larger bill, which I became a cosponsor of early on, the work that the gentleman from Florida (Mr. FOLEY) has done on the Congressional Caucus on Missing and Exploited Children, along with me and about 150 other Members of the House of Representatives, as we have worked diligently to try to make a difference in this issue that deals with child protection.

I have spoken for 2 years on this issue and am thrilled to see the kind of interest that this has brought right now and the support it has brought from across our House of Representatives and the Senate.

We all know about the AMBER Alert and what it is and why it is such a good thing. So right now I really do not want to talk so much about it, but to talk about the larger role of who is playing a role in this overall effort: the Members of the House, the Senate, their staffs. The work that has been done in the last several months, I think, is extremely impressive.

Certainly, I would mention the National Center for Missing and Exploited Children and what they have done since their involvement in this issue for the last more than 20 years. There is the FBI, the Customs Service, and local law enforcement officials, as well as the media who also are a big part of the AMBER Alert.

I want to thank the families and friends of Laura Kate Smither, the little girl who was abducted and murdered in 1997, who actually was the inspiration for the Congressional Caucus on Missing and Exploited Children. I stand here today in honor of Laura and with the hopes that this important piece of legislation will prevent the abduction and exploitation of children across America.

I also rise in support of this conference report, because it helps the Secret Service continue its work on behalf of missing children. Nearly a decade ago, Congress authorized the U.S. Secret Service to participate in a multi-agency task force with the purpose of providing resources, expertise, and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children in cases involving missing and exploited children.

This began a strong partnership between the Secret Service and the National Center for Missing and Exploited Children and resulted in the Secret Service providing critical forensic support, including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions and regressions, and audio and video enhancements to the National Center for Missing and Exploited Children and to local law enforcement in numerous missing children's cases. They have indeed made significant differences.

However, there is a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon

request of local law enforcement or the National Center for Missing and Exploited Children. The Secret Service amendment, which was adopted and is part of the S. 151 conference report, will do just that.

I want to conclude and say, support the conference report. With the help of the Secret Service, these organizations will be able to continue their work.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD two letters, one from the National Mentoring Partnership and the other from the National Council of Youth Sports, in support of this bill.

The letters referred to are as follows:

MENTOR/NATIONAL
MENTORING PARTNERSHIP,
Alexandria, VA, April 10, 2003.

Hon. JIM SENSENBRENNER,
House Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: MENTOR/National Mentoring Partnership is pleased to note that the Conference report of the ''Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003'' includes provisions to improve volunteer organizations' access to criminal background checks on prospective volunteers. MENTOR commends the Conferees for including these critical provisions, which are a step towards helping mentoring and other volunteer organizations effectively screen out those individuals who may harm rather than help a child.

Volunteer organizations that serve vulnerable populations—namely children, the elderly, and individuals with disabilities—require access to accurate, timely, and complete criminal background checks. If a background check does not meet these criteria, a human service organization could unwittingly hire or engage as a volunteer a person with a dangerous criminal past—such as child or elder abuse, molestation or rape, or a host of other offenses—to care for their clientele. That puts children and other vulnerable people needlessly at risk.

This is a vital issue for mentoring programs throughout the nation because the current system is simply not functioning. To get a nationwide check under current law, a volunteer organization must apply through their state agency. While a few states are responsive to these requests, in the majority of the states it is exceedingly difficult and often impossible to obtain a nationwide check. Many states have not authorized an agency to handle background check requests, or interpret federal law so narrowly that very few human service organizations are deemed eligible to apply for the checks. When a nationwide check can be performed, it is often prohibitively expensive and time-consuming.

The Conference report for the PROTECT Act includes a study that will assess the nationwide and state criminal background check system, and make recommendations on how to ensure that human service organizations can promptly and affordably conduct these important checks. The Conference report also establishes a pilot program to test out two possible methods of streamlining access to nationwide criminal record checks. The pilot program will enable mentoring organizations to receive nationwide checks and protect children while a reliable solution to this problem is found.

MENTOR, which serves over 4,000 mentoring programs throughout the country, believes that these provisions are an important step towards reliable, accurate, and timely criminal record checks for volunteer organizations. MENTOR urges Congress to support and promptly enact the criminal background check provisions included in the PROTECT Act Conference report.

Yours truly,

GAIL MANZA,
Executive Director.

NATIONAL COUNCIL OF
YOUTH SPORTS,
Stuart, FL, April 8, 2003.

DEAR CONGRESSMAN SENSENBRENNER: On behalf of the 38,000,000 boys and girls the National Council of Youth Sports (NCYS) membership represents, we extend a sincere thank you for your commanding efforts to press forward on the issue of background checks for volunteers. The NCYS proudly accepts being one of three organizations that will participate in the eighteen-month pilot project, within the Amber Alert bill, whereby 100,000 background checks (33,000 each) will be performed by the FBI.

We are grateful to each and every one of you for taking the first step in this vital child safety initiative. This is just the beginning, there is so much more that needs to be done. As we move forward we will want to work together to better understand some of the concerns. For example, while an $18 fee for a background check may sound reasonable and be acceptable in more affluent communities, an $18 fee in the economically disadvantaged areas is unaffordable and will leave our children unprotected from convicted sexual abusers. The underprivileged economic areas are often our most vulnerable programs allowing the predators to prey on the weakest. Therefore, it is not only our desire but also our fundamental responsibility to realize out determined goal for free, easily acceptable background checks regardless of one's economic circumstances.

The NCYS is a very strong and powerful group. A sampling of our membership consists of the national organizations of Little League Baseball, Pop Warner Football/Little Scholars, American Youth Soccer Organizations, Boys & Girls Clubs of America, Amateur Athletic Union, etc. We are prepared to mobilize our grassroots millions and move our public relations vehicles forward to secure a meaningful, sound and effective piece of child safety legislation for reliable and rapid background checks with one national database that is federally funded so that our innocent children will be protected from abuse and sexual victimization.

In the meantime, we are very anxious to begin the process through this pilot project. We look forward to working closely together as we all engage in a conscientious manner to provide our children the protection they deserve while living in America's neighborhoods that are safe and secure from convicted predators.

Respectfully,

SALLY S. CUNNINGHAM,
Executive Director.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN), the author of the AMBER Alert system.

Ms. DUNN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

On behalf of The Ed Smart family, the Polly Klaas Foundation, the National Center for Missing and Exploited Children, and the thousands of families still searching for their missing children, I rise today to express my gratitude to the gentleman from Wisconsin (Chairman SENSENBRENNER), to the members of the Committee on the Judiciary, to the House leadership, and to my coauthor of the AMBER Alert, the gentleman from Texas (Mr. FROST), for working together, for joining together to make our work on AMBER Alert a reality.

The AMBER Alert program will contribute hugely to the safety and the well-being of our Nation's children. As a mother of two sons and soon-to-be grandmother, I join with all the parents and the grandparents in appreciating how critical it is to have all communities have the access and the full ability to protect their children from kidnappers who seek to harm our little ones.

To date, AMBER Alert has been credited with the safe recovery of 53 children. We know the AMBER Alert system works by allowing communities to tap into the resources of an educated public, to prepare local law enforcement, and engage the media in reuniting children with their loving families.

The media and an educated public, for example, were absolutely critical in the safe return of Elizabeth Smart to her family a few weeks ago. President Bush showed very strong and early support for our bill last year; and thanks to his good sense, he took the first steps by providing grants to States and localities to help establish local AMBER Alert programs.

It is now time for Congress to codify the AMBER Alert. We need to provide additional funding. We need to provide additional oversight to empower every single State and community with the tools and the resources to react quickly to child abductions and bring these children safely home to the arms of their parents.

I applaud the leadership and the commitment of both the House and Senate conferees for moving this bill through the legislative process so quickly so that it can arrive on the President's desk before the Easter break. All of us should be proud for enacting a law that will help prevent crimes against our most vulnerable citizens, our children. I urge my colleagues to support this important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentlewoman from Ohio (Mrs. JONES), who was formerly a member of the Ohio judiciary.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman for yielding time to me.

It is not often that we have the opportunity to use our prior experience to discuss a piece of legislation. For those who are not aware, I was a judge for 10 years in Cuyahoga County, Ohio, handling cases not only dealing with civil matters but also cases where the death penalty could in fact be imposed.

I am the former district attorney for Cuyahoga County, Ohio, where I prosecuted cases with a staff of 180 lawyers for 8 years, and now I get to the third branch of government, the legislative.

I recognize that often in response to incidents or occurrences we want to

jump up and pass legislation that we think will have a deterrent impact. But I say to Members, as one who has not only enforced the law but has been required to impose sentences, that a response of placing another mandatory sentence on the books of these United States is not the appropriate response. Judges need discretion. Judges need the opportunity to assess the facts, look at the law, and impose the appropriate sentence.

I support AMBER Alert. I wish that in the many cases that I had and I prosecuted for 8 years that we had an AMBER Alert system; and I am confident that many more young people across the country would have in fact been returned to their families had we had the system. I am 100 percent in support. I speak out in favor of it.

Let me talk about something else: eliminating pretrial release. There is in our country a presumption of innocence. Most recently, we have seen so many people who as a result of DNA examination have been taken out of prisons across this country. To eliminate a pretrial release again takes away the discretion of a judge who has an opportunity to look at the facts and circumstances and ought to be able to determine whether or not a person should be released on pretrial release.

Finally, let me speak on the Three Strikes and You are Out. The fact is, in many instances across this country where we have imposed Three Strikes and You are Out, we have young men and women who are imprisoned on offenses, and the third strike may have been the least serious of the three, or two, and they are in jail for life.

I do not take lightly offenses that people commit, and I have imposed as a judge punishment on some of the most serious offenses. But we have to keep in mind the need to have judicial discretion, the need to look across the country at families whose lives have been destroyed forever because people are placed in jail.

Most recently, there was a study that was released that talks about the significant number of African Americans in prison across the country, and in addition, the significant number of Americans, regardless of their race or color, that are in jail. Let us think about mandatory sentences. Let us support AMBER Alert, but keep in mind, we all believe in rights.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I am pleased to see that this conference report for this crime bill came back to the floor so quickly. Let me say as a cosponsor of this legislation that this bill includes some very important provisions that will help States and will help the Bush administration to continue their efforts to expand and improve the AMBER Alert system.

As we know, last fall the President provided a total of $10 million to develop AMBER training and to develop education programs to upgrade the emergency alert system. As we have witnessed, AMBER Alert has worked to bring children home safely.

I wanted to share one example of where this alert has worked well. That is the case with Nicole Timmons of Riverside, California, in my State. The alert was not only delivered throughout California, but luckily, the neighboring State of Nevada also ran the alert. As a consequence, an alert driver noticed that Nicole matched the description. He thus, within the first few hours, contacted authorities. She was returned safely to her parents.

The point here is that they say three out of every four children who are murdered by their abductors are killed in the first 3 hours. That is why speed is of the essence. That is why a nationwide system is needed to ensure that neighboring States and communities will be able to coordinate when an abductor is traveling with a child to other parts of the country.

We need an organized national effort so abducted children transported across State lines can be returned to their parents, to their families, as 53 have been safely in California and other States that have now adopted the AMBER Alert system.

Mr. Speaker, I thank all of those who have worked to make certain that this legislation becomes law.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

□ 1115

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to talk about one particular provision that I am very pleased to say has been included in this conference report, though there are several others I strongly support and others about which I have already expressed my concern.

Section 611 establishes a program for transitional housing assistance for victims of domestic violence and sexual assault. My colleague from the other body, the senior Senator from Vermont, and I have introduced companion legislation establishing a transitional housing grant program. Today, I want to acknowledge and thank the Senator for working so hard to successfully get the language from these bills included in the conference report.

We are trying to protect children from violence. The AMBER Alert system is certainly one way to do it, but unfortunately, children are exposed to violence in their own homes. The transitional housing program is often the link between emergency housing and a victim's ability to become self-sufficient.

Transitional housing not only provides a roof and a bed, but it offers supportive services, such as counseling, job training, access to education, and child care. These tools are critical to allowing women to get back on their feet and to be able to support their children in a home that is free from violence. And we are also then able to get children out of homes where they may have been the victims and or witnesses of abuse.

Now, it is essential that we not only pass this bill, but that we have appropriate the $30 million provided in this legislation for transitional housing. The women and children of this country deserve nothing less, and I urge my colleagues to votes ''yes'' on this conference report.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, this conference report contains several important provisions that protect the most vulnerable among us, that is, our children.

One of those provisions is an amendment I offered to the bill, which was approved by a vote of 406 to 15. That provision addresses the Supreme Court decision in Ashcroft v. Free Speech Coalition, which held that the Federal law to combat computer-generated pornography was too broad.

The overturning of this law to combat child pornography has emboldened those who abuse children. A General Accounting Office report just 2 weeks ago found that in the wake of the Supreme Court decision, child pornographers are now increasing their presence on the Internet and are engaging in their depraved actions with relative ease.

The Internet has proved a useful tool for pedophiles and sex predators as they distribute child pornography, engage in sexually explicit conversations with children, and hunt for victims in chatrooms. Unfortunately, the new playground for child pornographers is the Internet.

Mr. Speaker, every parent should be concerned about what their children see and do on line. We need to protect our children. If this legislation becomes law, child pornographers will be deterred or prosecuted. I hope my colleagues will again vote to reduce child pornography on the Internet and support this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, several measures are brought to the attention of the body, and specifically they are now known as the Feeney amendment. I may be able to add a little clarity by putting forward that the bill, the bill as it is presently before us, that this particular rule is contemplating, establishes de novo appellate review of departures, prohibits downward departure on remands based on new grounds, requires government motion for extra one-level

adjustment based on extraordinary acceptance of responsibility, and prohibits the Commission from ever altering this amendment.

It chills departure by imposing more burdensome reporting requirements on judges who depart, and gives the Department of Justice access to Commission data files that identify each judge's departure practices. And it requires the Department of Justice to report downward departures to Judiciary Committees, unless within 90 days the Attorney General reports to Congress on new regulations for opposing and appealing downward departures.

Our colleague, the ranking member of the Committee on Rules, the gentleman from Texas (Mr. FROST), as well as our colleague on the other side of the aisle, the gentlewoman from Washington (Ms. DUNN), and many Members of this body have worked very hard to ensure that we have the AMBER Alert, which has proved itself to be more than useful in our society for a very, very important and worthy cause.

That said, it is unfortunate that in this particular measure for AMBER Alert, some ill-conceived, maybe unconstitutional, very restrictive measures have been put forward in the substantive bill.

With that, I would urge Members to pay particular caution to the rule itself, and when they examine voting for AMBER Alert, to be mindful that there are a number of provisions that they are voting for that are not just covered by the headline, but are covered by the rights of individuals in our society and the rights of the members of the judiciary who have a firsthand opportunity to make a determination as to what should be done in the way of sentencing.

When I served in the judiciary, one of the things that I was proud of was exercising discretion in a meaningful manner, and I always tried to err on the side of reconstructing families. I think this legislation is prohibitive in many respects. And I think no less an authority than Associate Justice Antonin Scalia, in his remarks very recently, said to us that mandatory sentencing can and, in fact, has led to an increase in the significant number of persons in our society, 2 million now in America, that are in prison.

We make these laws and we talk all the time about unfunded mandates, and we make these laws without fully realizing the implications as to what may transpire once they are made. The Federal judiciary will be impacted by what we do in the name of something that is the right thing to do, AMBER Alert.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of this rule and the conference report on the PROTECT Act of 2003. It contains the best ideas to prevent and punish sexual predation against our American children.

First and foremost, it establishes that nationwide AMBER Alert system to help States deploy child abduction warning networks all across this country. But rather than simply helping local authorities rescue abducted children, this legislation will toughen the law to make abductions and abuse less common in the first place.

It establishes a two-strikes-and-you're-out policy for child sex offenders, ensuring habitual predators will not be tolerated in our communities. It allows judges to extend court-supervised release for sex offenders, so after they have finished their time in prison, authorities will be able to keep close tabs on these dangerous individuals. This bill will add child abuse and child torture to the legal predicate for first degree murder. It increases the penalty for sexual exploitation and trafficking of children for kidnapping and other related atrocities.

In addition to supporting this landmark legislation, Mr. Speaker, I also rise to commend my friend from Wisconsin (Mr. SENSENBRENNER), for his determination to do this job right. This is the most comprehensive child protection legislation the House has ever considered, and we have one man to thank for it, and that is the gentleman from Wisconsin (Mr. SENSENBRENNER).

Thanks to the gentleman, in the face of a sensational public debate that demanded immediate action, House Republicans stood up for America's kids, not the television cameras. He knew that this legislation must be based on good ideas and good law, not P.R. He knew that we needed to reform the criminal code and send a very clear message that the United States will not tolerate the abuse of our children.

His bill takes crimes against children very seriously. It will prevent crimes against children and punish those who commit them. So, Mr. Speaker, the gentleman has stood like a rock in the middle of a political and media storm. America's children will be safer when this bill becomes law and thousands of them whose names we will never know will owe their lives to the gentleman.

I thank the gentleman, and I urge our colleagues to support the conference report and this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, most respectfully, the majority leader's comments are taken not lightly by any of us. But I would urge that we understand that this law that we are passing establishes new separate departure procedures and standards for child-related offenses and sex offenses. Permissible departures are those that the Commission specifically enumerates. It limits age and physical impairment departures in child and sex cases. It prohibits gambling dependence in child and sex cases. It prohibits aberrant behavior departures in child and sex cases. It prohibits family ties departures in child and sex cases. And one that is particularly troubling, because I saw this case in my past responsibilities, it prohibits diminished capacity departures in child and sex cases.

Everything is not as cut and dried as we would have it be, and I urge Members, while supporting AMBER Alert, to be mindful that we are supporting a number of provisions that would be addressed by the court system for some time to come.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 188, the Rule governing debate on S. 151, the Prosecutorial Remedies and Other Tools to end the exploitation of Children Today Act of 2003, also known as the PROTECT Act.

I oppose this rule because this should be a clean AMBER Alert bill, and I oppose the extraneous provisions in the Conference Report. The unnecessary provisions do more than delay the passage of an AMBER Alert bill. Many of the provisions violate the Constitutional principles that are the backbone of our government. Provisions like the Feeney provisions that establish rigid sentencing guidelines and strips federal judges of their discretion to make fair sentencing determinations.

The Feeney provisions establish separate departure standards for child-related offenses and sex offenses that must be followed by district courts. The provisions also prohibit sentencing departures for gambling dependence, aberrant behavior, family ties, and diminished capacity in child and sex cases. The provisions limit age and physical impairment departures in child and sex cases.

These provisions are a slap in the face to Article III, which grants federal judges, not Members of Congress, the power of the judiciary. This is another example of the Congress inappropriately attempting to interfere in the operation of our judicial system. Congress should legislate and leave judicial decision making, like prison sentences to the courts.

Also troubling is the ''virtual'' child pornography provision that labels, ''a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct.'' This provision contradicts the Majority opinion of the Supreme Court of the United States, who found that legislative attempts to include computer-generated images involving no real children in the definition of pornography are overboard, a violation of the First Amendment right to free speech, and therefore, unconstitutional.

These provisions violate the Constitution and distract our attention from the most important element of the Conference Report: the AMBER Alert System. The AMBER Alert system is a program supported by members of both parties in both Chambers of Congress, not to mention every American citizen. Despite this almost universal support of AMBER Alert, the Conference Report has been bogged down with extraneous, unconstitutional amendments.

I am stunned that so many members of Congress have stubbornly demanded Amendments to what should be a clean AMBER Alert bill. By so doing they postpone the establishment of a national AMBER Alert system and put the lives of America's children at risk.

For this reason, Mr. Speaker, I oppose H. Res. 188.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 188, I call up the conference report on the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 186, the conference report is considered read.

(For conference report and statement, see proceedings of the House of April 9, 2003, at page H2950.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT), each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report for S. 151.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report contains provisions of H.R. 1104, the Child Abduction Protection Act, which overwhelmingly passed the House 410 to 14 less than 2 weeks ago, and the provisions of S. 151, the PROTECT Act of 2003, which passed the other body 84 to nothing on February 24.

□ 1130

Over the last several days, during the course of lengthy staff meetings and an open, working meeting of conferees, we have worked diligently to resolve differences between the House and the Senate. I believe we were successful in crafting a bipartisan conference report that recognizes a comprehensive effort is needed to better protect children. In order to accomplish this, the legislation includes provisions to help prevent crimes against children, to assist in the safe recovery of abducted children, to enhance the investigations and prosecutions of these crimes, and to ensure that the offenders are held accountable and unable to repeat these crimes.

An abducted child is a parent's worst nightmare. We must assure that law enforcement in our communities have every possible tool to prevent abductions in the first place, and when an abduction occurs, to recover a missing child quickly and safely, and to ensure that the criminal receives sure and swift justice, including an appropriate sentence in prison.

The overarching goal of this comprehensive package is to stop those who prey on children before they can harm children. This is accomplished by destroying the illicit markets that encourage exploitation and abduction of children, strengthening penalties to reflect the seriousness of these crimes, halting repeat offenders, and enhancing law enforcement agencies to effectively prevent, investigate and prosecute crimes against children.

For instance, this legislation responds to the April 16, 2002, Supreme Court decision in Ashcroft v. The Free Speech Coalition that struck down a 1996 law written to combat computer-generated pornography. As the president for the National Center for Missing and Exploited Children stated, ''The Court's decision will result in the proliferation of child pornography in America unlike anything we have seen in more than 20 years.''

Congress has an obligation to prevent the resurgence of the child pornography market. This conference report will help do so by amending the definition of computer-generated child pornography so that it will withstand a constitutional challenge.

Additionally, the conference report provides strong support to recover abducted children quickly and safely through a prompt and effective public alert system. Such a system can be the difference between the life and death for that child.

To accomplish this, the conference report codifies the AMBER Alert program currently in place in the Departments of Justice and Transportation, and authorizes increased funding to help States deploy a child abduction communication warning network. While our goal must always be to prevent the abduction of the child before it occurs, our communities should also have an effective and responsive AMBER Alert system to assist in the quick and safe return of the kidnapped child.

I am happy to report that this compromise legislation doubles the authorized funding for the National Center for Missing and Exploited Children, the Nation's resource center for child protection, to $20 million a year through 2005. The center assists in the recovery of missing children and raises public awareness of ways to protect children from abduction, molestation, and sexual exploitation.

Another vital component in the effort to protect children are strong laws that hold the criminal accountable. Those who abduct children are often serial offenders who have already been convicted of similar offenses. Sex offenders and child molesters are four times more likely than any other violent criminal to repeat their offenses against children. This number demands attention, especially in light of the fact that a single child molester on average shatters the lives of over 100 children.

Under this legislation, sexual predators will no longer slip through the cracks of the system and harm other children. To this end, the legislation provides a 20-year mandatory minimum sentence of imprisonment for non-familial abductions of a child under the age of 18, lifetime supervision for sex offenders, and mandatory life imprisonment for second-time offenders. The compromise legislation restricts the opportunity for pretrial release for crimes of child abduction and sex offenses and extends the statutes of limitation.

Finally, this conference report contains provisions to address the long-standing and growing problem of downward departures from the Federal sentencing guidelines. Outrageously, between 1996 and 2001, U.S. courts have lowered the sentences of one out of every five of those convicted of sexually abusing a child or sexually exploiting a child through child pornography.

Strong sentencing is an essential component in any effort to fight crimes against children. All of our efforts in this bill and in previous anticrime measures are fruitless if, at the end of the day, judges are permitted to give offenders a slap on the wrist, which is exactly what is happening today with increased frequency.

I am proud of the efforts of the conferees to quickly send this legislation to the President. It was a fair and open process, and the exhaustive negotiations yielded extensive changes to the base text of the legislation that passed the House. Most of these changes were made to accommodate the concerns of my colleagues in the minority party, both in the Senate and in the House.

I am extremely proud of the extraordinary effort my now-weary staff expended to help craft this conference report and to get to it the floor today. I would like to extend special thanks to Sean McLaughlin, Will Moschella, Beth Sokul, Jay Apperson and Katy Crooks of the Committee on the Judiciary staff. Their dedication is greatly appreciated.

The bottom line is that this comprehensive legislative package will crack down on child abductors, build and expand on the work of the National Center for Missing and Exploited Children, give Federal authorities additional tools to prevent and solve these horrific crimes, and provide meaningful sentencing reform for all crimes. I urge my colleagues to protect America's children from the worst predators in our society by supporting this bipartisan child protection legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SCOTT of Virginia. Mr. Speaker, the conference report before us started out as an effort to quickly pass AMBER Alert, a bipartisan noncontroversial provision which had already passed the Senate. I am a cosponsor of the House version of the AMBER Alert so I am anxious to see that it be passed because it has been actually shown to help children. It will codify a program of grants and assistance to States and localities to establish a national communications system so that abducted children can be saved. As the gentleman from Wisconsin pointed out, that system works.

However, the bill now before us is loaded down with an array of crime sound-bite provisions that make the AMBER Alert bill just an afterthought in the legislation. The bill that has gone through the conference process, some provisions have been improved, some have been made worse; but I am unable to support the conference report at this time.

Mr. Speaker, the bill retains egregious provisions that expand the Federal criminal laws into areas traditionally left to State criminal laws. It expands the death penalty, despite the fact that almost 70 percent of death penalties imposed in the United States are found to be erroneous and the fact that over 100 people sentenced to death in the last 10 years have been subsequently shown to be innocent.

250 Members of the House, many supportive of the death penalty, have sponsored the Innocence Protection Act to provide reasonable assurances that fewer innocent people will be put to death. So we should certainly not be adding more death penalties before this act passes.

There are numerous provisions in the bill that create new mandatory minimum sentences, including the baseball-based sound byte, ''two strikes and you're out,'' which mandates life without parole for a second-offense requirement involving a minor. The offenses covered by that provision fortunately have been limited through the conference report process by eliminating some of the minor offenses involving a minor child, but it still includes as a child sex offense some consensual acts between teenagers.

The bill also adds a 5-year mandatory minimum for first offense crimes that are Federal crimes only because a person crosses State lines, such as when an 18-year-old and a 17-year-old conspire to cross State lines from Washington, D.C., to Virginia to have consensual sex. Just to show my colleagues how bizarre that provision is, if children are conspiring to cross from Virginia to Washington, D.C., to have sex, it would not be a child sex offense, and that is because consensual sex outside of marriage is not a crime in Washington, D.C., while it is in Virginia.

The bill also provides for a new wiretap authority in many of these cases including consensual sex and including some of the activities that do not even constitute a crime, and in some of those crime cases, bail may be denied during trial.

Of course, we are supposed to expect that prosecutors will ignore the law to carry mandatory minimum terms and not bring those cases. The reason we have mandatory minimums in the first place is because judges cannot be trusted to determine who should be sentenced to life and who should be sentenced to less, so we give everybody a life sentence. So our prisons are filled with people today who are serving time because they were convicted of just tangential involvement in somebody else's drug trade and end up serving more time than bank robbers.

We should let the sentencing commission and judges determine the appropriate sentences. Mandatory sentences have been criticized because they often require sentences which violate common sense in some cases, and that is why the Chief Justice of the Supreme Court is a frequent critic. Not only do we mandate numerous mandatory minimums without regard to what the individual circumstances of the case might be, but one amendment, the Feeney amendment, reduces the discretion of the sentencing commission and judges to robot-like conformity without regard to how the sentence compares to equally serious offenses, nor does it recognize that circumstances can vary from one case to another.

There was a dramatic effort to fix that amendment, representing a brand-new version at the conference committee meeting, but it was ineffectual, as well as rife with errors. In just a cursory reading of that amendment, which was first seen by some of us at the meeting itself, it became clear that it had several major unintended effects. For example, it removed consideration in sentencing for exemplary military service. Another bizarre exchange occurred in which we were told that the word ''and'' actually meant ''or'' and it did not matter whether you had ''and'' or ''or.'' I do not know when the change took place, but the version before us now has the word ''or'' instead of ''and.'' Nevertheless the amendment still reduces the judge's ability to make the punishment fit the crime.

Most cases are sentenced within the sentencing guidelines range; and according to the American Bar Association, 79 percent of the departures from the guidelines are agreed to by the prosecution. I would like to insert the letter from the ABA into the RECORD at this point.

AMERICAN BAR ASSOCIATION,
Chicago, IL, April 9, 2003.

DEAR SENATOR: I write on behalf of the American Bar Association to express deep concern about the Feeney amendment, which has been incorporated in the conference report to accompany S. 151, legislation to ban ''virtual'' child pornography. Although we are pleased to see that some of the more offensive provisions of this amendment were modified in conference, we continue to believe that this provision would fundamentally alter the carefully crafted and balanced system established by the Sentencing Reform Act, without any of the customary safeguards of the legislative process. Indeed, to the extent the amendment would give prosecutors a unique and absolute power to check the discretion of sentencing judges, it would have an unsettling effect on the constitutional balance of power.

The Feeney amendment would legislatively overrule a decision of the United States Supreme Court, United States v. Koon, 518 U.S. 81 (1996), and amend central provisions of the Sentencing Reform Act of 1984. It would void numerous sections of the Federal Sentencing Guidelines, and, for the first time, amend the Guidelines by direct legislation. It would preclude the exercise of judicial discretion in certain cases, and make judicial departures in all cases subject to de novo appellate review. It would impose very troublesome reporting and oversight requirements on judges that will certainly have a chilling effect on judicial independence, and discourage the imposition of just sentences in many cases.

Should Congress enact the Feeney amendment, all these dramatic changes would be accomplished through a House floor amendment to an unrelated bill, adopted without committee hearings by either the House or the Senate, or the benefit of consultation with the U.S. Sentencing Commission, the federal judiciary, or the organized Bar.

The Feeney amendment is evidently a response to the perception that judges have engaged in widespread abuses of their departure power following the Supreme Court's Koon decision in 1996. Based on the Sentencing Commission's statistics, I believe there are reasons to doubt the accuracy of this portrayal.

Although sentences below the guideline range are now more common that in the early days of guidelines sentencing, the primary responsibility for this result lies with the Department of Justice. In FY 2001, of 19,416 downward departures awarded federal defendants, approximately 15,318 came on government motion. Put another way, in 2001, 79 percent of downward departures in the United States were requested by the Government.

Similarly, although the rate of non-substantial assistance departures has increased since the Koon decision, the vast majority of that increase is attributable to the fact that the number of departures in the five ''fast-track'' border districts more than tripled, from 1871 to 1996, to 5928 in 2001. In short, the increased rate of non-substantial assistance departures since Koon is due primarily to requests for such departures by the Department of Justice.

The foregoing figures do not, of course, present the whole picture. The percentage of judicially initiated departures has increased somewhat since Koon. It may well be that some judicially initiated departures are inappropriate and that some action to curb inappropriate judicial departures should be considered. However, it would seem advisable to determine the nature and extent of any problem with judicial departure power before legislating a virtual end to that power. As Senator Hatch wisely observed some years ago: ''[C]ongressional policy makers must take advantage of the most current and complete information available when making legislative decisions. Whenever possible, Congress should call upon those with relevant empirical research, encouraging those most knowledgeable of and most

involved with the guidelines—judges, prosecutors, practitioners and the Commission—to express their views.''

I am informed that the U.S. Sentencing Commission is even now in the midst of a study of judicial departures in white-collar crime. Would it not be prudent to direct the Commission to extend that study to departures generally and report promptly to Congress on its results? (I understand that the General Accounting Office has also undertaken a study of departures, at the request of the House Judiciary Committee.) Such a congressional directive could also instruct the Commission to develop proposals to address any deficiencies revealed by the study. Once armed with full information, Congress could determine the true nature and extent of any problem, and could, if necessary, craft an appropriate, measured legislative response to any deficiencies in departure practice left unaddressed by the Commission.

The American Bar Association is confident that a period for study of current departure practice would not only yield a more accurate picture of any problems that may exist, but could not fail to produce a better solution than the Feeney Amendment.

The Sentencing Reform Act of 1984 created a system of distributed authority that was designed to ensure fair, predictable sentences for defendants convicted in federal court. As contemplated by the Act itself, the Guidelines drafted by the Sentencing Commission and approved by Congress channel judicial sentencing discretion, but they do not eliminate it. This system reflects two truths about the process of making sentencing rules. First, no set of rules can anticipate the circumstances of every individual defendant. Accordingly, if justice is to be done, judges must retain the flexibility to determine that some defendants do not fit the mold envisioned by the Commission. Second, the departure power is a means of providing feedback from judges to the Sentencing Commission and Congress. By studying departure patterns, the Commission can identify those guideline rules that judges are consistently finding to be inappropriate for certain classes of defendants.

In the Sentencing Reform Act, Congress conferred upon Federal judges the power to depart whenever ''there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines'' in the enabling legislation that created the U.S. Sentencing Commission, 18 U.S.C. §3553(b). The Feeney Amendment is inconsistent with the original judgment of Congress about the necessity and value of a guided departure power and the important role of judges in Federal sentencing. If passed, the Amendment would severely compromise critical institutional features of the Federal sentencing system.

By curtailing and burdening judicial departure authority, the Feeney Amendment strikes a blow at judicial independence and sends an unmistakable message that Congress does not trust the judgment of the judges it has confirmed to office.

By overriding the Sentencing Commission and legislatively rewriting the Guidelines, the Feeney Amendment threatens the legitimacy of the Commission. The Commission was created by Congress to ensure that important decisions about Federal sentencing were made intelligently, dispassionately, and, so far as possible, uninfluenced by transient political considerations. Congress should accord the Commission and its processes some deference unless and until the Commission has demonstrably failed in its duties.

By bypassing the deliberative processes of Congress itself, the Feeney Amendment reflects a profoundly troubling disregard of the legislature's role in establishing Federal sentencing policy. If passed, the Feeney Amendment would alter core features of Federal criminal sentencing and appellate practice. Yet the Amendment has never been the subject of a hearing in either the House or Senate, and neither house has had the benefit of meaningful consultation with any of the institutions most affected by the Amendment.

The American Bar Association is firmly committed to the maintenance of a just and effective Federal sentencing system. I am confident that you and your colleagues will give the Feeney Amendment the careful scrutiny it requires. I am hopeful that such scrutiny will lead you to oppose the Feeney Amendment and to support a careful study of judicial departures by the Sentencing Commission. . . .

The bill before us defiantly enacts laws prohibiting such acts as what is called ''virtual child pornography.'' The United States Supreme Court gave us a bright-line test to determine whether or not computer-generated images can constitute illegal child pornography. The Court said that if the image is not otherwise obscene it must involve real children in the production to be illegal. Pornography which was produced without real children under the Ashcroft case is not illegal.

In a direct violation of that case, this bill prohibits such images, whether or not it was produced with real children, unless the defendant can prove his innocence.

The Court, of course, dealt with that issue and said that we could not require a defendant in an American judicial court to prove his innocence, so that provision is clearly unconstitutional.

Mr. Speaker, we have a number of problems with this case, including the mandatory minimums. I just want to point out that the Chief Justice of the United States Supreme Court, United States Judicial Conference, the Sentencing Commission, the American Bar Association, the Federal Bar Association, the Leadership Conference on Civil Rights, the Washington Legal Foundation, the CATO Institute, and a host of other sentencing and judicial system experts have pleaded with Congress not to impair the ability of courts to impose just and responsible sentences.

I would ask also that a letter from the NAACP also be inserted into the RECORD at this point.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, April 10, 2003.

Re NAACP opposition to S. 151, the ''Child Abduction Prevention Act of 2003.''

Members,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Association for the Advancement of Colored People (NAACP), the nation's oldest, largest and most widely-recognized grass roots civil rights organization, I am writing to urge you to oppose the conference report to S. 151, the ''Child Abduction Prevention Act of 2003'' in its current form.

While the issue of child abduction is a serious, heart-wrenching and too often tragic issue that deserves to be dealt with aggressively at a federal level, Title IV of the final bill would radically limit federal judicial discretion to impose just sentences for almost all federal offenses; not just those relating to child abduction. Because this provision overrules a key Supreme Court decision and constitutes a dramatic encroachment on the judiciary, it is opposed not only by civil rights organizations across the board, but also by Supreme Court Chief Justice Rehnquist, the Federal Judicial Conference, the Federal Sentencing Commission, the American Bar Association, the Federal Bar Association as well as countless law professors, prosecutors and public defenders.

The potential impact of this provision on the African American community and on ethnic minority American communities throughout the nation is almost incomprehensible. Racial bias in our nation's criminal justice system is widespread and well documented. For example, according to reports from the US Department of Justice and the US Department of Health and Human Services, people of color commit drug offenses at a rate proportional to our percentage of the US population, roughly 25% for African Americans and Hispanic Americans combined. Yet almost 75% of the people charged in this nation with a drug offense are either Hispanic or African American.

The impact this racial bias has on our communities is devastating. According to the US Department of Justice report issued just last week, an alarming 12% of all African American men between the ages of 20 and 34 are in jail or in prison. One out of every three black men born in the United States will spend time behind bars in their lifetime.

The federal prison system now holds over 160,000 inmates, more than any single state prison system. Furthermore, the federal prison population has more than quadrupled in the last 20 years for mostly non-violent offenses even while the rate of incarceration has actually slowed in many states. Under Title IV, the growth rate is predicted to be staggering.

I hope that you will consider the far-reaching impact this legislation will have on individual lives as well as whole communities and even our nation. I urge you again to oppose the final conference report unless Title IV is eliminated or at least amended to address only child abduction cases.

Thank you in advance for your attention to this matter. If you have any questions, I hope that you will feel free to contact me at (202) 638–2269.

Sincerely,

HILARY O. SHELTON,
Director.

Mr. Speaker, for those reasons we should vote against this report and send the measure back to committee for serious consideration. Many of the problems can be fixed if we would seriously consider the bill in a regular deliberative legislative process.

So I urge my colleagues not to vote on the conference report, and I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding to me.

The gentleman from Virginia and I must be looking at different legislation. In my view, this is a proud moment for the House.

□ 1145

It is a proud moment for the Committee on the Judiciary. I know it is a

proud moment for me personally. I came to Congress with the hope of having moments like this.

There are so many great provisions and parts to this comprehensive legislation. I will focus on just three, the three that I was most involved with, number one, what is the so-called the ''two strikes and you're out'' for child molesters provision. With respect to Federal sex crimes against kids, it says very simply that if you have been arrested and convicted of a serious sex crime against kids, and when you get out, you do it yet again, you are going to go to prison for the rest of your life. No more chances, no more questions and, Lord willing, no more victims.

Secondly, it contains lifetime supervision for Federal sex offenders. We hear from judges again and again that there are criminals that go through their courts that they believe should have supervision for a long time. They are dangerous. They will do it again. Current law only allows them to order 5 years. This gives them the discretion, it does not mandate it, it givers them the discretion for lifetime monitoring.

And third, there are some provisions from the Debbie Smith Act, which I have authored, along with the gentlewoman from New York (Mrs. MALONEY) and Senator BIDEN from the other body. This allows Federal prosecutors to issue indictments against sex criminals based upon DNA gathered at the crime scene.

Mr. Speaker, this is an institution which all too often uses superlatives and all too often overstates the value of legislation, but this bill, with its AMBER Alert provisions with respect to responding to crimes and bringing back victims safe and sound, is a wonderful thing.

With respect to the DNA-John Doe indictment provisions, which will allow us to prosecute crimes more efficiently, more quickly, to get these guys off the street, it is a better bill for that reason. For its ''two strikes and you're out'' provisions, which will allow us to lock up predators once and for all, so they cannot do it yet again and again, for those reasons, it is a wonderful, historic bill.

We are taking a bold step today. I agree. This is historic legislation. The majority leader referred to this as the most comprehensive child safety legislation that this body has ever taken up. I have not been around long enough; I will trust him on that. But what I can say from my experience, I can say that we can all say proudly today, to policymakers, to law enforcement, to victims, to everyday families, we can say proudly today, We fight back. And that is something that we can all be very proud of.

I urge ''yes'' votes. Let us send a strong signal. Let us pass this bill today.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) a member of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Virginia for yielding me this time.

Mr. Speaker, I think it is important to clear the record and make it very clear that all of us are committed to fighting against the predatory acts of those who would do harm and injure our children.

I believe there was unanimous joy in America and in this body when Elizabeth Smart was returned to her family. I said just a few minutes ago on this floor that it was because of an AMBER Alert-type system, her younger sister, and the many community friends who were alert when they began to hear information. So collectively, as neighbors, we can, in fact, enforce against those predators the laws of the land and protect our children.

My record on this floor has been consistently supporting laws to protect our children. Why? Because I have seen the pain of families who have lost their little babies, staying with the family of Laura Ayala in my community, and wanting her to be found and recognizing the need for the community to come together. So there are parts of this legislation that I support.

I am glad that we are supporting the National Center for Missing Children. I would hope that we could have done more. I have legislation to create a separate DNA bank for sexual predators against children. My law enforcement officials in Harris County say that if there is such a bank, when there are allegations of sexual acts against children, the police can go to one, single database and know that these are at least convicted sexual predators against children and quickly assess whether any of these individuals were in the area of this missing or molested child.

So there are a lot of things that this body can do.

But, Mr. Speaker, I believe that the American people are respectful of the laws and the Constitution. They know the value of having what we call Article III courts, Federal courts, with the appropriate discretion to be able to make decisions in the courtroom about sentencing of individuals under the sentencing guidelines that are worked through the Federal Judiciary and the U.S. Sentencing Commission.

Why did we have to add this to a bill that deals with the question of protecting children? This is a direct insert, a direct hammer, a direct axe to the direction of the courts. It directs the Sentencing Commission to amend guidelines to ensure that the incidence of downward departures is substantially reduced. It means that that judge who is listening to the case cannot go up, maybe cannot go down in terms of sentencing. It requires that a prosecutor approve a downward departure on extraordinary acceptance of responsibility and prohibits the Commission from even altering this amendment.

What we are doing with this legislation is not having long hearings about interfering with the judicial discretion; we are just writing legislation without hearing from our judges or knowing how it will be impacted.

One thing we value is the independence of our court system. We may not agree with what the Supreme Court renders, I may not agree with their decision on affirmative action or previous decisions, but the court will have ruled. I will have to find other ways to address the question.

Here we are dealing with these courts and not having full vetted hearings and listening to the courts themselves.

It establishes de novo review of all downward departures in all cases. Requires the Department of Justice to report downward departures to the Committee on the Judiciary unless, within 90 days, the AG reports to Congress of new regulations. It gives the Justice Department access to Sentencing Commission files on each judge's departure practices in all cases.

That is absolute intimidation of the court. That is absolute intimidation of our Federal judges. That is absolute intimidation of our Judiciary, for which we pay taxes, not allowing them the discretion that is necessary to be fair in the courthouse.

The one thing we believe in is a due process system. And so here we have this provision that addresses all sentencing, not just limited to sexual crimes against children and the unfairness of the process.

I am reminded of the tragedy with Elizabeth Smart. If my colleagues will recall, there was a gentleman incarcerated that seemingly had all of the tendencies to be the perpetrator. He died in jail. We have now come to find out, at least allegedly so, that there was another perpetrator. Just imagine if he had lived, we had not found Elizabeth Smart, and he went to trial. These are the kinds of potential injustices that will occur when the Federal courts are in fear of their life because they have pressure from this place to put certain sentencing in place.

Mr. Speaker, let me say in closing that this bill has a lot of bad aspects to it. It did not have to be so. We could have done a good job, and I wish we had done so.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Texas asked why we have to have restrictions on downward departures, and I will give her one example.

In the case of the United States v. Robert Parish, a defendant who was convicted of possession of child pornography. He was in possession of 1,300 images of child pornography, some of which depicted graphic violent sexual exploitation of very young children. He got a downward departure.

The majority of those 1,300 child pornography images which he possessed depicted adolescent girls, including one in which a very young girl, wearing a dog collar around her neck, is having sexual intercourse with an adult male. The defendant was also in the midst of communicating on line with a 15-year-old female high school student when, thankfully, he was arrested.

Now, what happened when he was convicted? The sentencing guidelines have a range of 33 to 41 months imprisonment for a conviction of those crimes. The trial court gave him 8 months. The trial court found that the defendant's conduct was outside the typical heartland of these types of cases, and that the defendant was susceptible to abuse in prison. The trial court felt that the combination of factors, including the defendant's ''stature,'' ''demeanor,'' ''naivete,'' and the nature of the offense justified the departure from the minimum of 33 months in the guidelines to just 8 months.

This is why we have the restriction on downward departures for sex crimes in this bill.

Now, I am a bit puzzled that the gentlewoman from Texas (Ms. JACKSON-LEE) is complaining about the fact that we provide for a de novo review of downward departures for all crimes, not just crimes against children, but all crimes. When this legislation was originally debated on March 27, she voted in favor of it, and I introduced in the CONGRESSIONAL RECORD a letter signed by a majority of the members of the Congressional Black Caucus who were in office at the time asking the Clinton Justice Department, headed by Attorney General Janet Reno, to seek a de novo review of the downward departure that the trial judge gave to Stacey Koon, who is the police officer who was convicted of violating the civil rights of Rodney King.

Fortunately, that passed and that is included in this legislation. What we are doing in this legislation on de novo review is exactly what the next speaker, the gentlewoman from California (Ms. WATERS), and those who cosigned this letter, asked the Clinton Justice Department to do.

Now, unfortunately, the Supreme Court of the United States, in the case of Koon v. United States, decided that there could only be a review on appeal of a departure from the sentencing guidelines based upon abuse of discretion by the trial judge. We overturn that part of the Koon v. U.S. ruling and allow for de novo review on appeal. Sometimes, maybe, if you ask for something too much, you might get it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to read just one paragraph of the letter the gentleman from Wisconsin just referred to.

''We are troubled that the sentence for the crime was reduced to 30 months upon the court's consideration of mitigating facts. Such a reduction for mitigating factors may be appropriate in other circumstances.''

In other words, Mr. Speaker, we did not ask for a change in the law, we just asked for a review consistent with the law. This bill changes the law, changes the standard for review. What the Congressional Black Caucus asked for was just a review under the current law.

Mr. Speaker, I submit for the RECORD the letter just referred to by the gentleman from Wisconsin from the Congressional Black Caucus.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1993.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: As members of the Congressional Black Caucus, we are writing to you because of our concern about the sentencing of Officer Laurence Powell and Sergeant Stacey Koon by Judge John Davies in the Rodney King civil rights case.

We are troubled that the sentence for the crime was reduced to 30 months upon the court's consideration of mitigating facts. Such a reduction for mitigating factors may be appropriate in other circumstances. However, we feel that the defendants' special status as police officers, with special duties owed to the public, should have militated against such a significant reduction.

As you well know, the maximum possible penalty was ten years and fines of up to $250,000. Your federal prosecutors were asking for seven to nine years. Our federal sentencing guidelines recommended minimum sentences in a range of four to seven years in prison.

Instead, Judge John Davies made broad use of subjective factors. He stated that he read only letters addressed to him from the friends and families of Officer Powell and Sergeant Koon. He argued that much of the violence visited on Rodney King was justified by King's own actions. However, these officers were convicted on charges of violating Rodney King's civil rights. We believe these mitigating factors did not justify so large a reduction given the defendants' special responsibilities as police officers.

In addition, Judge Davies did not afford proper weight to the racist comments made over police radio by those convicted on the night of the beating in discounting race as a motivation for the beating. He similarly failed to take into account the remarkable lack of remorse shown by Officer Powell and Sergeant Koon since their conviction.

People of good will all over this country and of all races were heartened when Officer Powell and Sergeant Koon were convicted by a jury of their peers, a verdict made possible by the Justice Department's resolve to file civil rights charges and by the phenomenal performance of federal prosecutors. With these severely reduced sentences, however, we are sending a mixed message. Are police officers going to be held responsible for excessive use of force or not?

We think what has been lost, in all this, is that police officers have an enhanced responsibility to uphold the law.

Notwithstanding Judge Davies' authority to modify the sentencing guidelines, most experts agreed that the minimum four to seven years sentence should have been followed in this case.

We realize that the trial judge is afforded sufficient latitude in sentencing, but we urge the Department of Justice to appeal these sentences. We need to reexamine these sentences so that justice can finally be done in this difficult, painful case. Only then can we begin to put this behind us.

Sincerely,

Maxine Waters; Sanford Bishop; Eddie Bernice Johnson; Floyd H. Flake; Albert R. Wynn; Carrie P. Meek; Eva M. Clayton; Major R. Owens; Walter Tucker; William Clay; Charles B. Rangel; William J. Jefferson.

James E. Clyburn; Earl Hilliard; Bennie M. Thompson; Cleo Fields; Cynthia McKinney; John Lewis; Corrine Brown; Donald M. Payne; Alcee Hastings; Kweisi Mfume; Louis Stokes; Melvin L. Watt; Ronald V. Dellums.

Mr. Speaker, could you advise how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Virginia (Mr. SCOTT) has 16½ minutes remaining and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 15½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have the letter that the members of the Congressional Black Caucus sent to Attorney General Janet Reno on August 6, and while they did not ask for a change in the law, what they did ask was for the Justice Department to appeal the sentence.

Now, what happened in the Stacey Koon case is that the Court of Appeals agreed with the Justice Department and established de novo review. Mr. Koon's lawyer appealed to the Supreme Court, and the Supreme Court reversed the Court of Appeals and established the abuse of discretion standard.

Now, what this legislation does is to establish the de novo review standard for all crimes should there be a review of the sentence on appeal.

Mr. Speaker, I submit for the RECORD the letter dated August 6, 1993 from members of the Congressional Black Caucus.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1993.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: As members of the Congressional Black Caucus, we are writing to you because of our concern about the sentencing of Officer Laurence Powell and Sergeant Stacey Koon by Judge John Davies in the Rodney King civil rights case.

We are troubled that the sentence for the crime was reduced to 30 months upon the court's consideration of mitigating facts. Such a reduction for mitigating factors may be appropriate in other circumstances. However, we feel that the defendants' special status as police officers, with special duties owed to the public, should have militated against such a significant reduction.

As you well know, the maximum possible penalty was ten years and fines of up to $250,000. Your federal prosecutors were asking for seven to nine years. Our federal sentencing guidelines recommended minimum sentences in a range of four to seven years in prison.

Instead, Judge John Davies made broad use of subjective factors. He stated that he read only letters addressed to him from the friends and families of Officer Powell and Sergeant Koon. He argued that much of the violence visited on Rodney King was justified by King's own actions. However, these officers were convicted on charges of violating Rodney King's civil rights. We believe these mitigating factors did not justify so large a reduction given the defendants' special responsibilities as police officers.

In addition, Judge Davies did not afford proper weight to the racist comments made over police radio by those convicted on the night of the beating in discounting race as a motivation for the beating. He similarly failed to take into account the remarkable lack of remorse shown by Officer Powell and Sergeant Koon since their conviction.

People of good will all over this country and of all races were heartened when Officer Powell and Sergeant Koon were convicted by a jury of their peers, a verdict made possible by the Justice Department's resolve to file civil rights charges and by the phenomenal performance of federal prosecutors. With these severely reduced sentences, however, we are sending a mixed message. Are police officers going to be held responsible for excessive use of force or not?

We think what has been lost, in all this, is that police officers have an enhanced responsibility to uphold the law.

Notwithstanding Judge Davies' authority to modify the sentencing guidelines, most experts agreed that the minimum four to seven years sentence should have been followed in this case.

We realize that the trial judge is afforded sufficient latitude in sentencing, but we urge the Department of Justice to appeal these sentences. We need to reexamine these sentences so that justice can finally be done in this difficult, painful case. Only then can we begin to put this behind us.

Sincerely,

Maxine Waters; Sanford Bishop; Eddie Bernice Johnson; Floyd H. Flake; Albert R. Wynn; Carrie P. Meek; Eva M. Clayton; Major R. Owens; Walter Tucker; William Clay; Charles B. Rangel; William J. Jefferson.

James E. Clyburn; Earl Hilliard; Bennie M. Thompson; Cleo Fields; Cynthia McKinney; John Lewis; Corrine Brown; Donald M. Payne; Alcee Hastings; Kweisi Mfume; Louis Stokes; Melvin L. Watt; Ronald V. Dellums.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out that the Congressional Black Caucus did not complain about the Supreme Court reinstating the law as it was.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary.

Ms. WATERS. Mr. Speaker, I rise in opposition to this legislation. I rise in opposition to the legislation because this is one of those bills that could have been a clean bill dealing with AMBER Alert. It could have been a bill to deal with the problem of abduction of our children.

However, some Members of this body have taken this as an opportunity to load up the bill with everything that they think will create certain kinds of problems so that it can be used for political reasons. There will be a lot of Members who will be intimidated, and they will vote for this bill even though they are opposed to mandatory minimum sentencing because they do not want to be accused of being against a bill that will deal with the problems of abduction of our children.

Well, we must point out what is going on and we must focus in on this business of mandatory minimum sentencing. Every judge that I know of in the country and all of the Federal judges, whether they are on the left or the right, disagree with mandatory minimum sentencing. They do not like it. It takes away their discretion. It does not allow them to take into consideration all of the mitigating factors, and so we continue to overrule the judges that go through awesome processes to get where they are by inserting mandatory minimum sentencing into legislation. It has wreaked havoc on some communities.

As a matter of fact, when we take a look at the mandatory minimum sentencing done because of some of the drug laws that we have created right here on this floor, Members will see that whole communities have been devastated, and we are beginning to get a turnaround on some of that.

Mr. Speaker, we have young people 18 and 19 years old under mandatory minimum sentencing, drug laws, who are doing not just a minimum 5 years but even more, simply because the judge had no discretion. A child, first-time offense, with some of these drug laws, coming from good families who happen to makes a mistake, wrong place, wrong time, and we have something similar in this legislation between consenting young people, 18 and 17 years old who would cross a State line and have consensual sex, they would be at risk for mandatory minimum sentencing.

We do not want to do that. This is not honest. If we want a clean bill that deals with abductions and an AMBER Alert, do that. Take this other mess out of the bill and stop trying to use it as a political vehicle by which to judge some people in their elections.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today with a heart filled with gratitude, not just as a congressman, but as a parent of three small children for the efforts of the conferees in developing this historic child protection legislation. This will save lives.

I would particularly like to single out the courageous and tenacious and dogged efforts of the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for the gentleman's commitment against, at times, withering public relations challenges to move meaningful legislation for our kids through this body.

I also rise humbly to thank conferees for including language known as the Truth in Domain Names language in the conference report which I authored in the last Congress and again in this. Mr. Speaker, the very moment this conference report becomes law, not only will our children become safer from predators, but the Internet will become safer for our children, families, and teachers. As millions of Americans do every night, I help my kids with their homework. As we surf the Web for useful information about history or government or science, my kids with the most innocent intentions will type in domain names which are harmless, but what pops up are sites with smut, profanity and pornography; and there was no law on the books to prevent that until today. With the Truth in Domain Names language in this legislation, we render those Web sites illegal; and anyone who uses a misleading domain name on the Internet to deceive a person into viewing material constituting obscenity can face fines of up to 2 years in prison; and if they mislead children, they can face 4 years in prison. The minute the President signs this bill, using a misleading domain name with the intent to deceive a child will become a criminal act.

Mr. Speaker, this historic legislation will make our children measurably safer from those who would prey on them. Also, Congress can today make playing on the information superhighway much safer for our kids, and so they should. I urge my colleagues to strongly support this conference report.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, there are two aspects to this bill which I think have very strong merit, and I am very pleased that they have been included; and I enjoyed working with the gentleman from Wisconsin (Mr. SENSENBRENNER) in getting them into the now-final conference report.

The first is the Victims of Child Abuse Act now amended into the bill and now part of this final conference agreement that would reauthorize this important legislation initially authorized in 1992. The thrust of this legislation is to authorize training and technical assistance to programs to improve the prosecution of child abuse cases. This funding flows to centers and programs that provide training for law enforcement agencies, for prosecutors and local jurisdictions to help them establish comprehensive, interdisciplinary approaches to the investigation and prosecution of child abuse cases.

As we move the AMBER Alert response forward, we have to also think about what happens following the joyous reunion of a recovered kidnap victim. There is a lot of healing that has

to take place, special counseling for the victims, and then a very special treatment required by prosecutors and law enforcement officials as they bring the crime to punish the perpetrator, but do not want to further punish the victim who has already been through so much.

This legislation was initially authored by the gentleman from Alabama (Mr. CRAMER), who continues to play a leadership role in this area; and I am glad it is included.

I am also pleased the Child Obscenity and Pornography Prevention Act has been included in the legislation and is now part of the conference agreement. This puts back on our books legislation banning computer-generated child pornography. As Members may recall, there was a Supreme Court case that found an earlier statute to be overly broad. Well, we have looked very carefully at the ruling of the Supreme Court. We do not challenge it. We try and follow the direction that they lay out to craft a statute that they will find constitutional. We have tightened the definitions of inappropriate computer-generated child pornography, and we respond to the directions of prosecutors in trying to prosecute those who traffic in child pornography with other provisions as well. We make it illegal for an adult to use child pornography, sending child pornography over the Internet in order to lure children to inappropriate activity. We draw a per se prohibition on the depiction of explicit sex between young children.

Mr. Speaker, we think that this legislation is going to make a very important contribution to our efforts to stop those who want to traffic in child pornography. I urge its adoption.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am frequently asked what we can do to repeal some of the mandatory minimum sentences which frequently impose bizarre, Draconian, and unreasonable sentences. Sometimes these requests come from relatives or friends of people, women whose boyfriends deal drugs, and the young lady does not deal drugs, does not use drugs, but she is around the boyfriend enough so that there is no question, she probably broke the law, took a message, drove a car to a meeting, so prosecutors can show she was involved, but not involved to the point where she ought to serve 20-some years, more than bank robbers serve.

When they ask what they can do about these kinds of Draconian sentences, I tell them the first thing they have to do to repeal the existing mandatory minimums is to stop passing new ones. Today we are going to pass a new set of mandatory minimum sentence laws. If anybody asks in the future where these mandatory minimums come from, Members can point to bills like the one today.

Finally, Mr. Speaker, a lot has been said about the Ashcroft decision. The Ashcroft decision was clear. You cannot prohibit child pornography, illegal child pornography unless real children were involved. The provisions in this bill allow prosecution whether or not real children are involved. The Court goes to great lengths to say whatever problems there are in prosecution, it is a problem for the defense. And if nobody knows whether they are computer-generated or involving real children, in that case they cannot successfully prosecute. They require real children to be involved in the production; and without real children, it cannot be illegal. This statute plainly on its face violates that Supreme Court decision and is unconstitutional.

Mr. Speaker, I hope we can send this back to committee, improve some of the provisions, and pass the AMBER Alert bill like we should. But in its present condition, I hope we will reject the conference report with a ''no'' vote.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this vote is going to be the end of a long period where the provisions of this legislation were carefully considered in the Committee on the Judiciary in the House and in the other body. The compromise that was reached by the conferees is a good compromise. It will make a difference to protect children. It will give parents of abducted children the comfort of knowing that those who have harmed their children are going to be dealt with seriously, as well as setting up the machinery to alert the public and the news media as well as the police to try to find an abducted child and return that child home to his or her parents.

This is legislation that deserves all of our support. I ask for an ''aye'' vote on this conference report. I hope that the other body will act quickly and that the President of the United States can sign this legislation very promptly because our children will be better protected as a result.

Ms. KILPATRICK. Mr. Speaker, It is vital that we implement AMBER Alert systems, not just in our local communities, but nationwide. Our efforts to crack down on child abductors and abusers will be fruitless if we cannot transcend state borders quickly enough to catch these vicious criminals. I am in full support of a national system that will provide for such coordination. In the conference report, we have just that, a provision that provides for a nationwide alert system that is cost-effective and technologically savvy. That is, however, not the only provision in this bill, Mr. Speaker. There are many provisions in this bill that, while attempting to deter these criminals from committing such heinous acts, infringe upon the livelihoods of many innocent individuals and prohibit what would normally be harmless, legal acts.

I vote for the H.R. 1104, the House version of this conference report in hopes that conferees would come together and agree upon a bill that would attack the key issue at hand, protecting our children from molesters and pedophiles. After reviewing the conference report, I did not see any substantive alterations or any elimination of these bad provisions, but rather I noticed additional provisions that, again, hurt the livelihood of innocent individuals and legal acts. For those reasons, Mr. Speaker, I vote ''NO'' on final passage of the conference report and I will further expound on why I did so below.

The PROTECT Act would expand the type of homicide that can be punished by death. This will would provide for this expansion, despite the fact that more than half of death penalty cases are found to be erroneous. Cognizant of the disproportionate number of minorities being sentenced to death yearly, and the high number of erroneous rulings by the court system, I am very reluctant to support such a provision.

Furthermore, I am not a proponent of mandatory minimum sentencing guidelines because they undermine and eliminate judicial discretion in individual cases. Judges, under the provision, are unable to impose a lesser sentence after considering the circumstances surrounding a given case. There should not be a one-size-fits-all sentencing structure when judges are determining incarceration of a human being.

This bill would increase certain mandatory minimum sentences for many sexual abuse crimes. For example, for child abduction cases current law consists of a minimum of 51–63 months in jail. This bill increases the minimum to 121–151 months in jail. Judges engage in numerous cases regarding sexual abduction and have more experience and expertise in those cases than we do. Therefore, we should not second-guess their decisions on whether to impose a sentence that is more lenient. They see the defendant and victim, they hear the arguments and testimony, and hence, we should show deference to their rulings.

Similar to the mandatory minimum provisions, this bill also provides for a ''two strikes and you're out'' section that creates a mandatory life sentence for sexual offenders that have been convicted more than once. This provision negates a judges discretion and ability to impose just sentences. Currently, there is no such law that provides for mandatory imprisonment for life after being convicted of a sex crime.

Under this report, if an individual commits a sex crime and is jailed, subsequent to that person's release, he or she will be supervised for life. The statute of limitations regarding these crimes will be voided and an individual can be supervised for his entire life. Not only will it be difficult for these persons to find employment or social acceptance after such a conviction, but this bill will also allow them to be followed and observed day-to-day.

Another bad provision that was added in conference has been coined the ''crack-house statute amendments''. Essentially, this provision will make legitimate businesses the victim of felony charges if they cannot guarantee a drug free property or business. This provision was intended to eliminate the many detrimental effects of ''rave'' parties that allegedly expose drugs and drug usage to the minors that are present. This provision permits government to narrow its focus to particular parties and social gatherings where drug usage is allegedly prevalent and impose felony charges on the owners as a means to eradicating the drug problem. Quite to the contrary, what it

will do is deter innocent, law-abiding property owners and potentially lucrative sole proprietors from investing in the community because of their inability to ensure a drug-free environment. This provision is bad for community and economic development and does not guarantee that these ''raves'' will cease to exist, or that drugs will not be readily available to youth.

In conclusion, Mr. Speaker, I am vehemently opposed to the conference agreement. It is anti-civil liberty and overreaching. Any attempt to provide strong protection for children is trumped by the unreasonable persistence of the majority to increase penalties for these cases. As I stated earlier, the court is experienced enough to decipher individual sex crime cases and impose the appropriate sentence. We should focus on the issue at hand—a system that is technologically apt enough to produce the type of nationwide coordination that we need to catch criminals. Thereafter, the courts will proceed as needed, on a case-by-case basis. I support the need for an AMBER Alert system, but I do not support the conference agreement in its entirety.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in reluctant support of the Conference Report on S. 151, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, or the PROTECT Act. I support the Conference Report on S. 151 reluctantly because while the Conference Report improves upon the AMBER Alert system, it is does not provide us with a clean AMBER Alert Bill. Moreover, many of the extraneous provisions of the Conference Report violate the Constitutional principles of First Amendment freedom of speech, and the separate judicial powers of our federal courts.

The Conference Report on S. 151 has a myriad of provisions that are unrelated to establishing a national AMBER Alert System. I firmly believe that all of the provisions dealing with criminal justice matters should be debated in separate legislation, and many of the provisions violate the Constitution.

For example, the sentencing guideline provisions proposed by Mr. FEENEY have been the subject of heated debate by the conference members because they are at odds with the Constitution. Mr. FEENEY's provisions impose limitations or prohibitions on federal district court judges' discretion in sentencing. By so doing, Mr. FEENEY's Amendment handcuffs federal judges and eliminates their judicial discretion in imposing sentences.

The Feeney provisions establish separate departure standards for child-related offenses and sex offenses that must be followed by district courts. The provisions also prohibit sentencing departures for gambling dependence, aberrant behavior, family ties, and diminished capacity in child and sex cases. The provisions limit age and physical impairment departures in child and sex cases.

Mr. FEENEY's provisions improperly interfere with the sentencing process in cases that have left Federal district courts and are now on appeal. The Amendment prohibits downward sentencing departures based on new grounds when a case is remanded. It also subjects district courts to de novo review of their sentencing decisions.

The provisions offered by Mr. FEENEY are an improper violation of the doctrine of separation of powers. Article III of our Constitution separates powers between the three branches of our Government. Our Federal courts area allocated the power to review the facts and law in a particular case and render a decision. The Federal judges that sit on our courts are hand-picked for the legal acumen and wisdom, and we defer to their experience in rendering sentencing decisions.

It is improper for Congress to mandate that Courts follow rigid sentencing guidelines. To do so strips our federal judges of their discretion to review the facts and extenuating circumstances of a particular case, and render a decision based on the best interests of the accused and the community. Members of Congress are not members of the judicial branch. They are not privy to all of the information needed to make an informed sentencing decision in any given case. The responsibility of sentencing should be reserved for federal judges.

I also object to the provisions of the PROTECT Act that ban ''virtual'' child pornography. The provision of the Conference Report to S. 151 violates the First Amendment and attempts to circumvent the Supreme Court's ruling in Ashcroft v. Free Speech Coalition, by claiming that ''virtual'' child pornography is ''indistinguishable'' from actual images of sexual activity.

The Majority of the Supreme Court has already ruled in Ashcroft that extending the reach of child pornography laws to computer-generated images that do not involve real children was ''overbroad and unconstitutional'' and violated the First Amendment. While computer-generated images of child sexual activity may be objectionable to all of us, the Supreme Court has made clear that ''the government may not suppress lawful speech as a means to suppress unlawful speech.'' The Court also ruled, ''protected speech does not become unprotected merely because it resembles the latter.''

The provisions of the Conference Report are particularly controversial because they deal with Constitutional liberties and personal freedoms. The longer we debate Amendments like Mr. Feeney's, the longer our country operates without a national AMBER Alert System. Every day that goes by without a national AMBER Alert system in place puts the lives of children at risk. According to an October 2002 U.S. Department of Justice Report titled the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART Report), 12,222 children were the victims of traditional kidnappings in the year 1999 alone. That amounts to approximately 33 children kidnapped nationwide per day.

While the members of the House debate extraneous amendments, hundreds of children are being kidnapped and murdered. As the Chair of the Congressional Children's Caucus, I strongly believe that the best way to save children's lives is to vote in support of the PROTECT Act, even if I do so reluctantly.

That is why, Mr. Speaker, I reluctantly vote in favor of this bill.

Mr. SWEENEY. Mr. Speaker, I rise today to voice my support of AMBER alert bill, the Child Abduction Prevention Act. One of the provisions in this comprehensive legislation is my own bill, H.R. 220—known as Suzanne's law. The inclusion of Suzanne's Law will aid in the abduction investigations of college-aged children.

Mr. Speaker, this legislation was inspired by Suzanne Lyall—an ambitious young woman from the 20th Congressional District of New York. Suzanne abruptly vanished on March 2, 1998 from her life as a University of Albany college student. Although only 19 years old at the time of her disappearance, police did not immediately act after her parents reported her missing. The common practice of state and local law enforcement agencies is to impose a 24-hour waiting period before accepting missing persons reports for individuals over the age of 18. It is often assumed that college aged youth, as legal adults, disappear from their own free will. Although this assumption may have some anecdotal credibility, Suzanne's case proves it is not a responsible assumption. Time is of the essence when someone disappears.

Mr. Speaker, Suzanne's Law would amend the Crime Control Act of 1990 to require each Federal, State, and local law enforcement agency to immediately report missing children under the age of 21 to the Department of Justice's National Crime Information Center. The current requirement is only for those individuals under 18 years of age. Such a change would eliminate costly delays. It is certainly prudent to offer college-age youth, away from home and independent for the first time, the additional resources and protections that come with the designation of ''missing child.'' This designation will also help open doors with organizations that sponsor ''missing children'' lists, but do not include individuals over 17 years old.

Suzanne's parents, Doug and Mary Lyall, understand all too clearly the pain and confusion experienced by the families and friends of missing children. They have courageously used their own loss to help others struggling with the disappearance of a loved one.

As a result of their tireless activism, I first introduced Suzanne's Law during the 106th Congress. Mr. Chairman, I am pleased this legislation, along with the other valuable provisions of the AMBER alert bill, will be voted on today. I urge my colleagues to honor the Lyalls and support Suzanne's Law. Perhaps with its passage, potential breakdowns in investigations will be avoided and future college-age disappearances will be taken seriously.

Mr. DELAHUNT. Mr. Speaker, I would like to be able to vote for this bill. It includes provisions that I strongly support—including the ''AMBER Alert'' system that would aid in finding missing children. But those children have been taken hostage by a bill that also includes so-called ''sentencing reforms''—radical, sweeping changes to the Federal sentencing system that were never considered by any committee of either House. Provisions that would cause an explosion in the number of people behind bars—including many who simply do not belong there.

Just three days ago, the Justice Department reported that the number of people living behind bars in the United States had exceeded two million for the first time in our history. Two million. And included in that number is a staggering 12 percent of African-American men aged 20 to 34.

If this bill is the congressional response to that situation, the public may well conclude that we have finally taken leave of our senses.

The rate of incarceration in the U.S. is seven times higher than that of such advanced nations as Germany, Italy, and Denmark. A primary reason for this is that a large number of our prisoners are serving long

terms for minor nonviolent offenses. And if this bill becomes law, there will be a lot more of them.

Men in prison cannot raise families, cannot hold jobs, cannot pay taxes, and cannot support the economy. And when they get out, many who might have turned their lives around will have become hardened criminals, ready to return to the only life they know. Conservatives and liberals alike have recognized that this situation poses a threat to the future of our cities, our families, our economic well-being, and the health of our democracy itself. Growing numbers of prominent conservatives have joined in calls for an end to mandatory minimum sentences. Yet this bill takes a giant—and potentially catastrophic—step in the wrong direction.

When Congress enacted the Sentencing Reform Act of 1984, it created a system of guidelines for judges to follow. But Congress also recognized that no system of guidelines can anticipate all of the facts and circumstances of a given case. And it wisely preserved sufficient flexibility to allow the judge to depart from the guidelines when necessary.

This bill would substantially eliminate that safety valve, barring judges from making ''downward departures'' in a large number of cases—effectively transforming the federal guidelines into a system of mandatory minimum sentences.

When Chief Justice Rehnquist learned of this proposal, he wrote: ''this legislation, is enacted, would do serious harm to the basic structure of the sentencing guideline system and would seriously impair the ability of courts to impose just and responsible sentences.'' Justice Rehnquist is certainly no liberal. But even his concerns have been brushed aside.

Similar opposition was expressed by the Judicial Conference of the United States, the American Bar Association, the Leadership Conference on Civil Rights, the Washington Legal Foundation, the Cato Institute and many other groups and individuals. All to no avail.

It is true that during conference, a number of improvements were made to the original language. But the final version retains many features of the original, and barely begins to address the concerns raised by the Chief Justice.

Title IV of the bill prohibits all downward departures in connection with child-related offenses and sex offenses. In all other cases, it discourages judges from making downward departures by subjecting them to burdensome reporting requirements and Justice Department scrutiny if they do so. And it directs the Sentencing Commission to amend the guidelines to ensure that downward departures are ''substantially reduced.''

Since there has been virtually no debate on these radical proposals, we must guess at the reasons for them. Apparently, they are based on the belief that judges have been abusing their departure power by handing down overly lenient sentences.

No doubt errors and abuses occur. Judges are human, and some sentences will be too lenient while others are too harsh. But the system already provides a remedy for this: the government can and does appeal downward departures it considers inappropriate. And it wins approximately 80 percent of such appeals.

The truth is that the vast majority of the downward departures are sought, not by the judge, but by the government itself. Of the nearly 20,000 downward departures granted in 2001, 79 percent were requested by the prosecution—most in return for the cooperation of the defendant, and the rest in five Mexican border districts in which the government uses departures to clear cases more quickly.

If the sponsors of the bill have concerns about the rate of downward departures, the Justice department is where they should be making inquiries. As a former prosecutor, I can see plenty of reasons to question the overuse of departures as a law enforcement tool.

Inf act, the one thing that pleases me about the language as it came out of conference is that it instructs the Sentencing Commission to review not just those downward departures that are initiated by the sentencing judge but all downward departures—whether requested by the prosecution or the defense. I certainly hope that in fulfilling the congressional mandate to review these departures and ensure that their incidence is ''substantially reduced,'' the Commission will do so in a thorough and even-handed way.

Nevertheless, if there is a problem with departures, depriving judges of the ability to exercise discretion cannot be the answer. A rigid, mechanical system of sentences cannot do justice—either to the accused or to the society to which the millions we imprison today will one day return.

Mr. HOEKSTRA. Mr. Speaker, I speak in support of the conference report to S. 151, the PROTECT Act, which creates new and increases already existing penalties for crimes against children, as well as provides for the national coordination of the AMBER Alert communications network. An important provision in S. 151 doubles the authorization level for the National Center for Missing and Exploited Children (NCMEC), which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

The conference report also makes other changes to require Regional Children's Advocacy Centers grantees to provide information to the Attorney General on the use of funds for evaluation of community response to child abuse, and coordinates the operation of a Cyber-Tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

The National Center for Missing and Exploited Children is a private non-profit organization, mandated by Congress, working in cooperation with the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice. It is a critical resource for aiding over 18,000 law enforcement agencies throughout the nation in their search for missing children.

The Center is uniquely positioned to access vital information to aid in the search and recovery of missing kids. It is the only child protection non-profit organization with access to the FBI's National Crime Information Center (NCIC) Missing Person, Wanted Person, and Unidentified Person Files; the National Law Enforcement Telecommunications System (NLETS); and the Federal Parent Locator Service (FPLS). Additionally, it is the only organization operating a 24-hour toll-free Hotline for the recovery of missing children in cooperation with the U.S. Department of Justice. It is also the sole organization operating a 24-hour, toll-free child pornography tip-line in cooperation with the U.S. Customs Service and the U.S. Postal Inspection Service.

Mr. Speaker, it is clear that the National Center for Missing and Exploited Children does our country and our nation's families a great service in the fight to keep our nation's children safe. I want to congratulate my colleagues for quickly resolving the differences between the House and Senate bills and I urge their support for final passage.

Mr. HONDA. Mr. Speaker, it is with a troubled heart that I will be voting for the PROTECT Act today. The benefits of a national AMBER Alert network are undeniable, and I cannot support any further delay on its implementation. However, I do not believe that this Conference Report will make good law, and I fervently hope that Congress will soon repeal the egregious provisions that have been included. Though the Conference Committee was able to moderate the bill somewhat, it is still chock-full of what I considered to be bad policy. Regardless of what one thinks of these provisions, they should have received independent consideration and deliberation, rather than being tied to, and slowing down, a need as pressing as AMBER.

I am particularly disturbed by the parts of this legislation that would eliminate judicial discretion. For example, Section 109 of this measure would fundamentally alter the carefully crafted and balanced system established by the Sentencing Reform Act. It undermines our independent judiciary, as well as the United States Sentencing Commission. It is a reversal of existing law that was inserted during floor debate, without committee hearings or any semblance of due deliberation. Unfortunately, this is all to emblematic of how this bill has been handled in this body.

Mr. Speaker, I will vote for this bill because it is well past time to pass an AMBER Alert network act, but instead of marking an unmitigated legislative achievement, the passage of this omnibus measure will be a cause for serious self-reflection on what we are doing here.

Mr. CONYERS. Mr. Speaker, I had hoped that we would have been able to come together to reach consensus on how best to deal with the difficult problem of child abduction in this country and to pass an AMBER alert bill. The recent rash of child abductions clearly indicate that additional steps need to be taken to protect our children from sexual predators.

Unfortunately, the conference was delayed and hung up by provisions which have nothing to do with Amber alert and which should have been dealt with separately. First and foremost, is the highly controversial amendment offered by Rep. TOM FEENEY, which would totally hamstring any remaining discretion federal judges have in making sentencing determinations. This provision was added on the floor two weeks ago without proper hearings or committee debate and clearly is not ready for prime time.

It is opposed by Chief Justice Rehnquist, by the Federal Judicial Conference, by the American Bar Association, by the Federal Bar Association, by the Leadership Conference on Civil Rights, by the NAACP and by countless law professors, prosecutors, and public defenders.

In a nutshell, the Freeney Amendment, as introduced, would make it next to impossible

for federal judges to reduce sentences below the guidelines, even where mitigating factors such a military service, community involvement and youth are present. Guess who is going to be harmed disproportionally by this harsh approach to sentencing—minorities in general and African Americans in particular.

Consider the fact that a full 12 percent of African American men aged 20–34 are in prison—more than 8 times the comparable rate of white males in the same age group. According to the Bureau of Justice Statistics, nearly one out of every three black men will spend time in prison during their lifetime.

So when you toughten sentencing, as the Feeney amendment would do, you should know that you are busting up African American families and decimating our inner cities. You are also creating massive problems concerning reentry when these individuals leave the prison system in another 10 or 15 years. The very least we should do is to leave these critical life decisions in the reasonable discretion of the Federal judge who is closest to the situation. To use the popular AMBER alert measure to alter this long standing principle, and without proper hearings or consideration is to me shameful.

Now my friends on the other side of the aisle will claim not to worry, that they fixed the Feeney amendment which they will say is limited to sex offenses. But the truth is that the revised Feeney language would radically alter the sentencing regime for every single criminal case in the legal system. It does this by adding a whole host of new procedural requirements for a judge to show any form of mercy in all federal cases. The bill also adds new requirements on the Justice Department and the Sentencing Commission with regard to downward departures in all Federal cases. At the end of the day, what we will have is something very close to the original purpose of the Feeney Amendment—mandatory minimums in all federal criminal cases.

There are other problems in the bill before us, including new death penalties, eliminating statutes of limitation, and criminalizing so-called ''RAVE'' parties. As a result of these provisions and the very broad based and dangerous Feeney amendment, I must reluctantly urge a NO vote on this short sighted measure.

[April 9, 2003]

VOTE NO ON CHILD ABDUCTION PREVENTION ACT (S. 151), WHICH DEPRIVES FEDERAL JUDGES OF DISCRETION TO MAKE THE PUNISHMENT FIT THE CRIME

Dear Representative: On Thursday, April 10, the House will consider the Child Abduction Prevention Act (S. 151), Title IV of which would radically limit federal judicial discretion to impose just sentences for federal offenses. This measure, which was attached to the House child abduction bill without committee considerations, goes far beyond any effort to crack down on child abductors. It overrules a key Supreme Court sentencing decision and constitutes a drastic encroachment on the independence of the judiciary and the U.S. Sentencing Commission. Such far-reaching changes in the laws and procedures that govern our federal criminal justice system should not be undertaken without hearings and meaningful debate.

Title IV directs the Sentencing Commission to limit a federal judge's power to depart from the Sentencing Guidelines. Departures are in integral part of the Sentencing Reform Act that Congress enacted in 1984. That bipartisan reform struck as balance between uniformity and judicial discretion and was enacted after years of study and consideration of problems in the previous sentencing system. Congress understood that a guidelines system that encompasses every relevant sentencing factor is neither possible nor desirable. Departures are a necessary and healthy part of the guideline system.

Departures do not reflect an avoidance of the law by federal judges but rather their conscientious compliance with the Congressional mandate to impose a guideline sentence unless the court finds a circumstance not adequately considered by the Commission that warrants a departure.

The Sentencing Reform Act already contains substantial limits on judicial discretion. The overwhelming majority of federal sentences, other than those requested by the government to reward defendants who have provided assistance in prosecuting others or to manage the caseload in border districts, are within the guidelines written by the Sentencing Commission, which is appointed by the President and confirmed by the Senate. Judges may only depart from the guidelines if the case involves circumstances not adequately considered by the Commission. The government may appeal any downward departure.

Title IV overturns an important Supreme Court decision. In the 1996 case of Koon v. United States, which was in relevant part a unanimous decision, the Supreme Court interpreted the departure standard in a way that limited departures but left some room for judicial discretion. Title IV of S. 151 recklessly overturns that landmark decision, which recognized that departures are an integral part of the guidelines system that seeks ''to reduce unjustified disparities and so reach toward the evenhandedness and neutrality that are the distinguishing marks of any principled system of justice [but that at the same time preserve the] uniform and constant * * * Federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.'' 518 U.S. 81, 113 (1996). The current bill overturns the basic structure of the carefully crafted guidelines system, without meaningful input from judges or practitioners and based on numbers called into question by the statistics maintained by the Sentencing Commission.

Departures preserve some measure of fairness in the Sentencing Guidelines. Without the discretionary authority to depart, all crimes regardless of the circumstances would have to be sentenced exactly the same; one size must fit all, predetermined by the body of experts sitting in Washington, D.C. The Sentencing Guidelines will become a little more than mandatory minimum sentencing laws, which cause rampant injustice and unwarranted racial disparity.

The departure process is already under review. Departures are the one area of the Guidelines were the Commission can see if its sentencing policies are working or whether an adjustment needs to be made. A high departure rate in certain types of cases can indicate flaws in the guidelines that the Commission needs to address. This is the careful system of checks and balances that Congress crafted when it created the guidelines. The Sentencing Commission has repeatedly demonstrated its willingness to police the departure power and recently announced that it will be conducting a study of the issue. We urge Congress to let this process work.

Thank you for considering our views. Please contact Kyle O'Dowd (202–872–8600, ext. 226) for the National Association of Criminal Defense Lawyers or Ronald Weich for the Leadership Conference on Civil Rights (202–788–1818) if we can provide more information.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, NATIONAL LEGAL AID AND DEFENDER ASSOCIATION,
NATIONAL ASSOCIATION OF FEDERAL DEFENDERS,
FAMILIES AGAINST MANDATORY MINIMUMS.

Mr.SENSENBRENNER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by 5-minute votes on motions to suspend the rules and agree to House Concurrent Resolution 141 and House Resolution 165, as amended, which were debated yesterday.

The vote was taken by electronic device, and there were—yeas 400, nays 25, answered ''present'' 2, not voting 8, as follows:

[Roll No. 127]

YEAS—400

Abercrombie	Boozman	Cooper
Ackerman	Boswell	Costello
Aderholt	Boucher	Cox
Akin	Boyd	Cramer
Alexander	Bradley (NH)	Crane
Allen	Brady (PA)	Crowley
Andrews	Brown (OH)	Cubin
Baca	Brown (SC)	Culberson
Bachus	Brown, Corrine	Cunningham
Baird	Brown-Waite, Ginny	Davis (AL)
Baker	Burgess	Davis (CA)
Baldwin	Burns	Davis (FL)
Ballenger	Burr	Davis, Jo Ann
Barrett (SC)	Burton (IN)	Davis, Tom
Bartlett (MD)	Buyer	Deal (GA)
Barton (TX)	Calvert	DeFazio
Bass	Camp	DeGette
Beauprez	Cannon	DeLauro
Becerra	Cantor	DeLay
Bell	Capito	DeMint
Bereuter	Capps	Deutsch
Berkley	Capuano	Diaz-Balart, L.
Berman	Cardin	Diaz-Balart, M.
Berry	Cardoza	Dicks
Biggert	Carson (IN)	Dingell
Bilirakis	Carson (OK)	Doggett
Bishop (GA)	Carter	Doolittle
Bishop (NY)	Case	Doyle
Bishop (UT)	Castle	Dreier
Blackburn	Chabot	Duncan
Blumenauer	Chocola	Dunn
Blunt	Clyburn	Edwards
Boehlert	Coble	Ehlers
Boehner	Cole	Emanuel
Bonilla	Collins	Emerson
Bonner	Combest	Engel
Bono		English

Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—25

Ballance
Clay
Conyers
Cummings
Davis (IL)
Frank (MA)
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
McDermott
Mollohan
Nadler
Oberstar
Paul
Payne
Sabo
Sanders
Scott (VA)
Stark
Towns
Waters
Watt

ANSWERED ''PRESENT''—2

Delahunt
Tierney

NOT VOTING—8

Brady (TX)
Crenshaw
Davis (TN)
Dooley (CA)
Gephardt
Houghton
McCarthy (MO)
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). The Chair reminds the Members there are 2 minutes left to vote.

□ 1234

Messrs. BALLANCE, DAVIS of Illinois, LEWIS of Georgia and CUMMINGS, Ms. LEE and Mrs. JONES of Ohio changed their vote from ''yea'' to ''nay.''

Mr. TIERNEY changed his vote from ''yea'' to ''present.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 127, had I been present, I would have voted ''yea.''

Mr. RUSH. Mr. Speaker, on rollcall No. 127, I was unavoidably detained in a meeting with my regional constituents. Had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8, rule XX, the remainder of this series will be conducted as 5-minute votes.

EXPRESSING SENSE OF CONGRESS REGARDING REFORM OF INTERNAL REVENUE CODE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 141.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 141, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 128]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence